

Saneed vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1647383

Court : Kerala

Decided On : Jul-05-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Bail Appl./5031/2021

Appellant : Saneed

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL MONDAY, THE 5TH DAY OF JULY 2021 / 14TH ASHADHA, 1943 PETITIONER: SANEED AGED 26 YEARS SON OF ABDUL AZEEZ C., CHATHERY HOUSE, CODACAL P.O., THIRUNAVAYA, MALAPPURAM - 676 108. BY ADV P.C.ANIL KUMAR RESPONDENT: STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. OTHER PRESENT: SR.PP - SRI. SANTHOSH PETER THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05.07.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner is the sole accused in Crime No.199 of 2021 of Kalpakancherry Police Station in Malappuram, which was registered alleging offence punishable under Section 379 of the IPC and Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. The petitioner has moved this Court under section 438 of the Cr.P.C. seeking pre-arrest bail.

2. It is alleged that on 19.06.2021 at

about 04.20 PM, while the police party were checking vehicles, the petitioner was found transporting illegally mined river sand in his lorry bearing Registration No. KL-55-V-8160. Seeing the police party he stopped the vehicle and ran away from the place. The lorry and the sand were seized under a mahazar. Now apprehending arrest the petitioner has moved this Court.

3. After hearing counsel on both sides,

I do not think, having regard to the fact that the contraband and the vehicle have already been seized, custodial interrogation of the petitioner is necessary. It is submitted that he has no criminal antecedents to his credit.

4. In the circumstances, the petitioner

shall be at liberty to surrender before the Investigating Officer within ten days from today and will make himself available for interrogation; in the event of arrest, he shall be released on bail on executing bond for Rs.50,000/- (fifty thousand rupees only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer; he shall co-operate with the investigation, shall not try to contact or influence the witnesses or tamper with the evidence and shall not involve in any crime during the period on bail. Bail Application is allowed as above.

Sd/- K.HARIPAL JUDGE RMV/05/07/2021

