

Sarath Krishnan Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: Dec. 16, 2020

Acts Referred: Code Of Criminal Procedure, 1973 â€” Section 438

Indian Penal Code, 1860 â€” Section 379

Kerala Protection Of River Banks And Regulation Of Removal Of Sand Act, 2001 â€” Section 20, 23

Hon'ble Judges: Ashok Menon, J

Bench: Single Bench

Advocate: Abdul Raoof Pallipath, C.N. Prabhakaran

Final Decision: Allowed

Judgement

1. This is an application for anticipatory bail under Section 438 of Cr.P.C.

2. The applicant is the sole accused in Crime No.1147/2020 of Tirur Police Station for having allegedly committed the offences punishable under

Section 379 of the I.P.C. and under Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The prosecution case, in brief, is that on 21.11.2020 at about 4.30 AM, the police party intercepted a lorry bearing Reg.No.KL-09-B-4329 while

transporting illegal river sand. On being intercepted by the police, the driver abandoned the lorry and fled away.

4. The applicant submits that the allegations are not true and that he was not in the vehicle at the relevant time and he has no connection with the

alleged transport of sand. He apprehends arrest, and therefore, approaches this Court for anticipatory bail.

5. Heard the learned Counsel for the applicant and the learned Public Prosecutor.

6. The sand and the lorry have already been seized by the police, and therefore, custodial interrogation of the applicant may not be necessary. As

admitted by the learned Public Prosecutor, the applicant has no other criminal antecedents.

In the result, the bail application is allowed and the applicant is directed to surrender before the investigating officer within two weeks. After

interrogation and in the event of his being arrested, he shall be released on bail on the execution of a bond for Rs.50,000/- (Rupees fifty thousand

only), with two solvent sureties for the like amount each, to the satisfaction of the investigating officer, and on the following conditions:

(i) He shall not influence or intimidate witnesses or tamper with evidence;

(ii) He shall appear before the investigating officer as and when called for and shall cooperate with the investigation;
and

(iii) During the bail period, he shall not get involved in any similar offences.

In case of breach of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court.