

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

Bail Appl..No. 62 of 2015

CRIME NO. 1101/2014 OF CHANDERA POLICE STATION , KASARGOD DISTRICT

PETITIONER(S)/2ND ACCUSED :

**JINEESH.T.V, AGED 29 YEARS,
S/O.K.JANARDHANAN, ORI, PULLUR VILLAGE,
PADANNA, KASARAGOD.**

**BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

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B.A. No.62 of 2015

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Dated this the 16th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.1101 of 2014 of the Chandra Police Station registered for the offences punishable under Section 379 IPC and Section 20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioner and the other accused is that on 19.12.2014, at 10.10 p.m., they were found transporting sand illegally collected from the river without any licence or authorization by an auto-rickshaw bearing Reg.No.KL-13-F-552. On seeing the Police party, the petitioner ran away from the spot after leaving the vehicle and

the sand. The 1st accused, who was present in the auto-rickshaw, was arrested.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned Public Prosecutor has pointed out that the petitioner is an accused in two other crimes of similar nature registered as Crime Nos.143 of 2013 and 986 of 2013 of the same Police Station. Considering the series of criminal antecedents of similar nature on the part of the petitioner, I am of the view that this is not a case, wherein anticipatory bail can be granted to the petitioner.

6. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and

produce the petitioner without delay before the court below, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/16/2/15

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P.A. To Judge