

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

Bail Appl..No. 569 of 2015

**CRIME NOT KNOWN TO PETITIONER MALAPPURAM POLICE STATION TO
MALAPPURAM DISTRICT**

PETITIONER(S)/ACCUSED :

**SHAMEER K.M, AGED 23 YEARS,
S/O.ABU K., KARUKAMANNIL HOUSE, POOVAD,
PONMALA P.O., MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN
SRI.JITHIN LUKOSE**

RESPONDENT(S)/COMPLAINANT :

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. SUB INSPECTOR OF POLICE,
MALAPPURAM POLICE STATION,
MALAPPURAM DISTRICT - 676 505.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

=====

B.A. No. 569 of 2015

=====

Dated this the 6th day of February, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1520/2014 of the Malappuram Police Station registered for the offences punishable under Section 379 IPC and Sections 20 and 23(a) read with Section 25 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2013.

3. The allegation against the petitioner is that on 16.12.2014, he was found transporting river sand illegally collected from the river without any licence or authorization by a lorry bearing Reg.No.KL-10-H-9520.

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

5. The Public Prosecutor has pointed out that the petitioner is the accused in Crime No.807/2013 for a similar offence of theft of sand. When the petitioner has an antecedent on his part relating to the same offence, I am of the view that he is not entitled to the discretionary relief of anticipatory bail.

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.

7. 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 concerned Judicial First Class Magistrate's Court, 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

stu

//True copy//

P.A to Judge