

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

Bail Appl..No. 1137 of 2015

CRIME NO. 114/2015 OF NILESHWARAM POLICE STATION, KASARAGOD DISTRICT.

PETITIONER/ACCUSED:

**RATHNAKARAN K, AGED 5 YEARS,
S/O.AMBU, KURUKKAVALAPPIL HOUSE,
KEEZHMALA, KOLLAMPARA P.O.,
KASARAGOD DISTRICT, PIN - 671314.**

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING STATION HOUSE OFFICER,
NILESHWARAM POLICE STATION,
KASARAGOD DISTRICT, PIN - 671 314.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

.....
B.A. No.1137 of 2015
.....

Dated this the 12th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.114/2015 of the Nileshwaram Police Station, Kasaragod registered for the offences punishable under Section 379 of the Indian Penal Code and Sections 20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioner is that on 19.02.2015 at 2 a.m., he was found transporting river sand, which is the subject matter of theft, as the same was illegally collected from the river without any licence or authorization. On seeing the police party, he ran away from the spot after leaving the vehicle and the sand.

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

5. The investigating officer has reported that the petitioner is an accused in a similar offence involved Crime No.944/2014 of Nileshwaram Police Station. When the petitioner has got a similar criminal antecedent, I am of the view that he is not entitled to the discretionary relief of anticipatory bail in this case.

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 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

ul/-

[True copy]

P.S. to Judge