

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

Bail Appl..No.1515 of 2015

CRIME NO.520/2014 OF EDAVANNA POLICE STATION,MALAPPURAM.

..

PETITIONER/ACCUSED:

**NISHAD.K,S/O.MOIDEENKUTTY,AGED 25 YEARS,
KADOORAN HOUSE,PANNIPPARA P.O,
EDAVANNA (VIA),MALAPPURAM (DT).**

BY ADV.SRI.T.K.AJITH KUMAR

RESPONDENT/COMPLAINANT:

**STATE OF KERALA, THROUGH SUB INSPECTOR OF POLICE,
EDAVANNA POLICE STATION,REP. BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.REMA.R

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

K. ABRAHAM MATHEW, J.

Bail Appl. No.1515 of 2015

Dated this the 26th day of May 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner apprehends that he will be arrested by the Police on the allegation that he has committed the offences under Secs.379 of Indian Penal Code and Sec.20 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act. The prosecution case is that, he was found transporting river sand in his vehicle without any permit or other documents.

3. Heard both sides.

4. The prosecution case is that when the Police attempted to seize the lorry in which the river sand was being carried without any permit the petitioner to whom the vehicle belongs and who was in the vehicle ran away from the place of occurrence. There is a prima facie case against him. He was committing theft of natural resources. He is not entitled to get the benefit of Sec.438 Cr.P.C.

In the result, the bail application is dismissed.

Sd/-

**K. ABRAHAM MATHEW
JUDGE**