

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Bail Appl..No. 1552 of 2015

CRIME NO. 62/2015 OF MEPPAYUR POLICE STATION, KOZHIKODE DISTRICT.
.....

PETITIONER/ACCUSED:

**SUNIL, AGED 35 YEARS, S/O. BALAN NAIR,
VADUVAMAKAMELY HOUSE, KUTTOTH P.O.,
KOYILANDI TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.K.P.SUDHEER

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE,
MEPPAYUR POLICE STATION,
KOZHIKODE DISTRICT, PIN-673524.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

.....
B.A. No.1552 of 2015

.....
Dated this the 30th day of March, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.62 of 2015 of the Meppayur Police Station, Kozhikode registered for the offences punishable under Section 379 of the Indian Penal Code and Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioner is that on 08.03.2015 at 03.30 p.m., the petitioner was found transporting river sand, illegally collected from the river, in a

lorry without any licence or authorisation, and 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 learned Public Prosecutor. Perused the CD.

5. The learned Public Prosecutor has pointed out that the petitioner is an accused in another similar offence involving Crime No.276/2014 of Meppayur Police Station. When the petitioner is involved in a similar offence, I am of the view that this is not a fit 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 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

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[True copy]

P.S. to Judge