

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Bail Appl..No. 1828 of 2015 ()

CRIME NO. 218/2015 OF TIRUR POLICE STATION , MALAPPURAM DISTRICT

PETITIONER/ACCUSED:

**MUSTHAFA C.P., AGED 42 YEARS,
S/O. MAMMU HAJI, RESIDING AT CHAKKANAPARAMBIL HOUSE,
PURATHOOR P.O., TIRUR TALUK, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.NIRMAL V NAIR
SRI.ANEESH JOSEPH
SRI.RILGIN V.GEORGE
SRI.M.ANEESH**

RESPONDENT :

**STATE OF KREALA,
REPRESETED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI - 682 031**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K. ABRAHAM MATHEW, J.

B.A. No.1828 of 2015

Dated this the 26th day of June, 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is the accused in Crime No.218 of 2015 of Tirur Police station registered for the offence under Sec.379 of the Indian Penal Code and secs.20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act. The prosecution case is that he transported river sand in a lorry belonging to him without any permit or other authority.

3. Heard both sides.

4. Learned counsel submits that when the case was registered, the petitioner was not shown as an accused.

5. That is true. The investigating officer did not know about the owner of the vehicle. The investigation revealed that the petitioner was its owner. Though the vehicle was seized, the petitioner did not make any claim

till he was made an accused in this case. This indicates that there is a prima facie case against the petitioner. The petitioner is not entitled to anticipatory bail.

In the result, the bail application is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge