

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

Bail Appl..No. 2571 of 2015 ()

**CRIME NO. 360/2015 OF VAZHAKKAD POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONERS/ACCUSED:-:

- 1. GOPESH, AGED 27 YEARS,S/O.GOPALAN,
KARIYATHANKUZHI, CHERUVAYOOR,
VAZHAKKAD, MALAPPURAM DISTRICT.**
- 2. RIYAS, AGED 30 YEARS,S/O.MOIDEENKUTTY,
NANMANDA HOUSE, CHERUVAYOOR,
VAZHAKKAD, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SRI.K.RAKESH**

RESPONDENTS/STATE & COMPLAINANT:-:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
VAZHAKKAD POLICE STATION, MALAPPURAM DISTRICT
PIN - 673 640.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.2571 of 2015

Dated this the 23rd day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 379 of Indian Penal Code and also under Sections 12 and 23 of the Kerala Protection of River Banks and Regulation of removal of Sand Act.

3. The prosecution case is that they were found transporting river sand without any permit or authority and on seeing the police they left the place abandoning the vehicle.

4. Heard.

5. There is a prima facie case against the petitioners; they were plundering in the wealth of nation. Such persons are not entitled to get an order under Section 438 Cr.P.C.

In the result, this application is dismissed.

Submission of the learned counsel that the petitioners will surrender before the investigating officer is

recorded. They may do so if they are so advised.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

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PA to Judge