

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.2595 of 2015

CRIME NO.156/2013 OF BALUSSERY POLICE STATION,KOZHIKODE.

...

PETITIONER/ACCUSED:

**MOHAMMED SAFVAN,S/O.MOHAMMED,
AGED 24 YEARS,MOOTHEDATH HOUSE,
POOVATHIKKAL,AREECODE,MALAPPURAM DISTRICT.**

BY ADV.SRI.K.A.SALIL NARAYANAN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY 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.

.....
B.A.No. 2595 of 2015 (D)
.....

Dated this the 26th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No. 156 of 2013 of Baluserry Police Station registered for the offences under sections 186 and 308 read with section 34 IPC and sections 132, 179 , 183, and 188 of the Motor Vehicles Act and section 20 of Kerala Protection of River Banks and Regulation of Removal of Sand Act. The prosecution case is that the police officers attached to Baluserry Police Station signalled a vehicle which was found carrying river sand to stop. The driver did not stop and then the police officers followed it. The first accused who was the Driver of the vehicle, raised its platform causing the river sand carried in it to fall on the police vehicle. The police officers had a narrow escape. The petitioner was also in the vehicle giving assistance to the first accused. Learned counsel submits that the allegations are false.

3. Heard.

4. I have perused the case diary. The materials relied on by the prosecution *prima facie* disclose commission of the offences by the petitioner also. The police officers had a narrow escape. The

offences committed by the petitioner and the co-accused are of a very serious nature. In spite of the stringent provisions in the relevant Act, they resorted to theft of the river sand which is the property of the nation. It is not proper to grant anticipatory bail to such persons.

In the result, this application is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

DST

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P.A. to Judge