IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

Bail Appl..No. 2654 of 2015

CRIME NO. 217/2015 OF KUTTIYADI POLICE STATION , KOZHIKODE DISTRICT

PETITIONER(S)/ACCUSED :

PUSHPAN, AGED 40 YEARS,
S/O.SANKARAN, KUTTORA HOUSE, CHERAPURAM,
KUTTIYADI, KOZHIKODE DISTRICT.

BY ADV. SRI.K.P.SUDHEER

RESPONDENT(S)/COMPLAINANT :

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE,
KUTTIYADI POLICE STATION, KOZHIKODE DISTRICT, PIN -673 508.

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Msd.

K. ABRAHAM MATHEW, J.

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B.A.No. 2654 of 2015

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Dated this the 12th day of June, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. The petitioner is said to have committed the offence under Section 20 and 22 of Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 read with Section 379 of IPC. The prosecution case is that he was found transporting river sand in a lorry at 6.15 in the morning and on seeing police, he ran away.

3. Heard.

4. Learned counsel submitted that he was only the owner of the vehicle and the driver was another person with whom he had entrusted the vehicle for transporting building materials. *Prima facie,* this cannot be accepted. The incident took place at 6.15 in the morning. The Police Officer had every opportunity to identify the person who ran away. So, I don't think that this is a fit case to grant anticipatory bail.

In the result, this application is dismissed.

Sd/-

K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge