

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

Bail Appl..No. 2771 of 2015 ()

**CRIME NO. 218/2015 OF MUKKOM POLICE STATION,
KOZHIKODE DISTRICT**

PETITIONER/ACCUSED :

**NISSAR M.K., AGED 24 YEARS,
S/O MOHAMMED, MELANI KUNNATH HOUSE, PUTHUR,
POST OMASSERRY, KOZHIKODE DISTRICT.**

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI.DHAESH MATHEW MANJOORAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

Bail Appl. No.2771 of 2015

Dated this the 28th day of May 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. The petitioner is alleged to have committed the offences under Secs.20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 and Sec.379 of Indian Penal Code. The allegation is that with his knowledge the driver of his vehicle transported river sand without any permit or other authority.

3. Heard both sides.

4. The learned counsel for the petitioner submits that the petitioner had no role in the commission of the offence. It is a matter to be determined in the investigation. The removal of river sand amounts to theft of natural resources, which is a serious offence. Granting anticipatory bail to the petitioner will frustrate the investigation. So I am not inclined to grant him anticipatory bail.

In the result, this bail application is dismissed.
Learned counsel submits that the petitioner will
surrender before the investigating officer. He may do so
if he is so advised.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

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P.A. To Judge