

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

Bail Appl..No. 3591 of 2015 ()

**CRIME NO. 803/2015 OF THALIPARAMBA POLICE STATION,
KANNUR DISTRICT**

PETITIONERS/ACCUSED 2 AND 3:

- 1. KIZHAKKEDATH VADAKKEPURAYIL AFSAL, AGED 42 YEARS
S/O. ABDURAHIMAN M., K.V. HOUSE, THAVALAPPARA
P.O. NANISSERY, PARASSINIKADAVU, KANNUR**
- 2. HASHIM, S/O. ABDURAHIMAN P.O.
POYYAKKAL PUTHIYA PURAYIL HOUSE, KOLMOTTA,
NANISSERI P.O., PARASSINIKADAVU, KANNUR.**

BY ADV. SRI.MAHESH V RAMAKRISHNAN

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 29-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K.ABRAHAM MATHEW, J.

B.A.No. 3591 of 2015

Dated this the 29th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 379,353,308 and 279 of IPC and Section 132(1) r/w 179 of the MV Act and Sections 20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act and Section 3(2)(e) of PDPP Act.

3. The prosecution case is that they were found transporting river sand without any permit or other authority. When Sub Inspector of Police asked them to stop the activities they drove the lorry against him in an attempt to cause his death. They have thus committed the above said offences.

4. Heard.

5. The petitioners have no case that they had any permit to transport the river sand. This alone is sufficient to reject their bail application. They were engaged in anti social activities, prima facie. They are not entitled to the benefit of Section 438 Cr.P.C.

In the result, this Bail Application is dismissed.

**K.ABRAHAM MATHEW
JUDGE**

pm