

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Bail Appl..No. 3768 of 2015

CRIME NO. 516/2015 OF VATAKARA POLICE STATION , KOZHIKODE

PETITIONER(S)/2ND ACCUSED:

**ABDUL AZEES, AGED 29 YEARS,
S/O.KUNHABDULLA, KALANGODATHIL HOUSE,
CHANIYAMKADAVU AMSOM DESOM,
THIRUVALLUR, VADAKARA.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. THE STATION HOUSE OFFICER,
VADAKARA POLICE STATION-673103.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

B.A. No.3768 of 2015

Dated this the 14th day of July 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.516 of 2015 of Vadakara Police station registered for the offences under Secs.279, 379 and 201 read with Sec.34 of the Indian Penal Code, Sec.132(1) of the Motor Vehicles Act and Secs.20 and 21 Kerala Protection of River Banks and Regulation of Removal of River Sand Act. The prosecution case is that on seeing a mini lorry transporting river sand the Police signalled it to stop. But the 1st accused who was its driver did not stop it. In the course its further journey, it met with an accident and the 1st accused sustained injuries. He did not have the permit to transport river sand. The Police took the 1st accused to hospital leaving behind the lorry and the river sand. Thereafter, they registered this case. While the Police was away from the place of occurrence, it is alleged that the petitioner along with other co-accused removed the

river sand from the place of occurrence.

3. Heard both sides.

4. The Police seized the river sand from the custody of the petitioner. The offences committed by the accused are of a very serious nature. It is against public interest to grant anticipatory bail to the petitioner.

In the result, the 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