

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Bail Appl..No. 4935 of 2015 ()

**-----
CRIME NO. 655/2015 OF THRITHALA POLICE STATION, PALAKKAD DISTRICT.**

.....

PETITIONER/ACCUSED NO.2:-

**HAMSA, S/O.MOIDUNNY,
AGED 40 YEARS, POOLAKKUNNATH,
KUMARANELLOOR P.O., KAPPUR VILLAGE,
PATTAMBI TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT/COMPLAINANT:-:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM,
THROUGH SUB INSPECTOR OF POLICE,
THRITHALA POLICE STATION, PALAKKAD.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

B.A. No.4935 of 2015

Dated this the 19th day of August 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.655 of 2015 of Thrithala Police station registered for the offences under Sec.379 of the Indian Penal Code and Secs.20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act. The prosecution case is that he was found transporting river sand in a vehicle without any permit.

3. Heard both sides.

4. Learned counsel submits that the petitioner was only the owner of the vehicle and he was not aware of it being used for transporting river sand.

5. The submission cannot be accepted. The prosecution documents indicate that the petitioner was the driver of the vehicle at the relevant time. There is a prima facie case against the petitioner. The nature of the case does not incline me to grant anticipatory bail to the petitioner.

In the result, the bail application is dismissed.

Sd/-

**K. ABRAHAM MATHEW
JUDGE**

NS