

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Bail Appl..No. 5125 of 2015 ()

CRIME NO. 366/2015 OF BALUSSERY POLICE STATION, KOZHIKODE DISTRICT

PETITIONER/ACCUSED NO.2 :

**BIJISH
AGED 30 YEARS, KARLIPPARAMBIL HOUSE,
P.O. MANDHANKAVU, NADUVANNUR
KOZHIKODE DISTRICT.**

BY ADV. SRI.MANSOOR B.H.

RESPONDENTS/COMPLAINANT/STATE :

**STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING THROUGH STATION HOUSE OFFICER
BALUEERY POLICE STATION, KOZHIKODE DISTRICT.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

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B.A.No. 5125 of 2015

Dated this the 2nd day of September, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No. 366 of 2015 of Balussery Police Station registered for the offences punishable under Section 379 of the Indian Penal Code and Sections 20 & 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The prosecution case is that on 21.06.2015, the accused persons were found transporting river sand in a tipper lorry owned by the petitioner. Petitioner pleaded innocence.

4. Heard both sides.

5. The offences alleged against the petitioner have a direct bearing on the ecological balance and economic interest of this Country. Therefore, I am of the view that the petitioner is not entitled to plead for pre-arrest bail under Section 438 Cr.P.C.

He shall surrender before the Investigating Officer within 15 days from today and submit himself for interrogation. The

Investigating Officer shall produce him before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioner is free to move for bail before the learned Magistrate and in that event, the learned Magistrate may consider the application on merits if possible on the date of surrender itself.

Sd/-

**A. HARIPRASAD,
JUDGE**

DST

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P.A. To Judge