

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937**

**Bail Appl..No. 5241 of 2015 ()**

**CRIME NO. 792/2015 OF KOTTAKKAL POLICE STATION,  
MALAPPURAM DISTRICT**

**PETITIONER/ACCUSED :**

**MOIDEENKUTTY, AGED 36 YEARS,  
S/O.MUHAMMED, VALIYAPARAKKAL HOUSE,  
MATTATHUR P.O., MALAPPURAM DISTRICT.**

**BY ADV. SRI.K.RAKESH**

**RESPONDENTS/STATE & COMPLAINANT :**

**1. THE STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, KOCHI 682 031.**

**2. THE SUB INSPECTOR OF POLICE,  
KOTTAKKAL POLICE STATION, MALAPPURAM DISTRICT  
PIN: 676 503.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 11-09-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**bp**

**A.HARIPRASAD, J.**

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**B.A.No.5241 of 2015**  
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Dated this the 11<sup>th</sup> day of September, 2015

**O R D E R**

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.792 of 2015 of Kottakkal 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. Prosecution case is that on 06.08.2015, the petitioner was found transporting river sand in a registered Canoe without any proper documents or authority. Petitioner pleaded innocence.

4. Heard the learned counsel for the petitioner and learned Public Prosecutor.

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 get anticipatory bail

under Section 438 of the Code of Criminal Procedure.

The petitioner shall surrender before the Investigating Officer within a period of '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.**

AS

/True Copy/

P.A. to Judge