

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. 5302 of 2015

CRIME NO. 353/2015 OF CHALISSERRY POLICE STATION, PALAKKAD DISTRICT.
.....

APPLICANT/ACCUSED:

**RIYAS, AGED 27 YEARS,
S/O.MOHAMMED, PADINJARETHIL HOUSE,
DESAMANGALAM, THRISSUR DISTRICT.**

**BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADVS.SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

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

mbr/

A. HARIPRASAD, J.

=====

B.A.No. 5302 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 accused in Crime No. 353 of 2015 of Chalisserry 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 the accused persons were found transporting river sand in a 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

//True copy//

P.A. To Judge