

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

Bail Appl..No. 5354 of 2015

**CRIME NO. 1068/2015 OF PARAPPANANGADI POLICE STATION,
MALAPPURAM DISTRICT.**
.....

PETITIONER/ACCUSED:

**SALAM, S/O.KOYA, AGED 38 YEARS,
PAINATTAYIL HOUSE, VALLIKUNNU P.O.,
THIRURANGADI TALUK, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN**

RESPONDENT(S)/STATE AND COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. THE SUB INSPECTOR OF POLICE,
PARAPPANANGADI POLICE STATION,
MALAPPURAM DISTRICT-676103.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A.No.5354 of 2015

Dated this the 10th 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.1068 of 2015 of Parappanangadi Police Station registered for the offences punishable under Section 379 of the Indian Penal Code and Sections 20 & 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. Prosecution case is that the petitioner was found transporting river sand in vehicle No.KL-10P 5516, without any proper documents or authority. Petitioner is the registered owner of the above said vehicle. 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