

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Bail Appl..No. 5367 of 2015

CRIME NO. 697/2015 OF VALANCHERY POLICE STATION, MALAPPURAM

PETITIONER(S)/ACCUSED:

**FAYAS, AGED 24 YEARS,
S/O.ABDULLA, EDAPPALLI HOUSE, IRUMBULLIAM P.O.,
TIRUR TALUK, MALAPPURAM DISTRICT.**

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

RESPONDENT(S)/STATE AND COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
VALANCHERY POLICE STATION,
MALAPPURAM DISTRICT 676004.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A. HARIPRASAD, J.

Bail Appl. No.5367 of 2015

Dated this the 28th 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.697 of 2015 of Valancherry Police Station registered for the offences punishable under Sec.379 of the Indian Penal Code and Secs.20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The prosecution case is that, the petitioner was found transporting river sand in a mini lorry without any permit or authority. 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

/ True Copy /

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P.A. To Judge