

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. 5373 of 2015

CRIME NO. 745/2015 OF PATTAMBI POLICE STATION, PALAKKAD
.....

PETITIONER(S)/ACCUSED:

- 1. SRAJU E.K., AGED 50 YEARS,
S/O. BEERAN, ERUVATH KIZHAKKE THODI HOUSE
CHELAKKAD POST, KATTUPPARA, PERINTHALMANNA,
MALAPPURAM DISTRICT - 679 323.**
- 2. UMMER, AGED 33 YEARS,
S/O.ABU, KAKKETT HOUSE, CHELAKKAD POST,
KATTUPPARA, PERINTHALMANNA,
MALAPPURAM DISTRICT - 679 323.**

BY ADV. SRI.A.HAROON RASHEED

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY ITS THE STATION HOUSE OFFICER,
PATTAMBI POLICE STATION,
PALAKKAD DISTRICT THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

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

msv/

A. HARIPRASAD, J.

Bail Appl. No.5373 of 2015

Dated this the 10th day of September, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.745 of 2015 of Pattambi Police Station registered for the offences punishable under Sec.379 read with Sec.34 of the Indian Penal Code and Secs.20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The prosecution case is that, the petitioners were found transporting river sand in a goods auto without any permit or authority. Petitioner pleaded innocence.

4. Heard both sides.

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

They shall surrender before the Investigating Officer within 15 days from today and submit themselves for interrogation. The Investigating Officer shall produce them before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioners are 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 /

P.A. To Judge

NS