

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. 5408 of 2015

CRIME NO. 804/2015 OF EDAKKARA POLICE STATION, MALAPPURAM
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PETITIONER(S)/ACCUSED:

**SAIDALAVI PULIKKADA, AGED 65 YEARS,
S/O.MAMMU HAJI, KALKULAM,
MUTHEDAM P.O.,MALAPPURAM DISTRICT.**

**BY ADVS.SRI.T.S.RAJAN
SRI.K.ABDUL HAKEEM**

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN - 682 031.**
- 2. SUB INSPECTOR OF POLICE,
EDAKKARA POLICE STATION, EDAKKARA P.O.,
MALAPPURAM DIST. PIN - 679 331.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

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

msv/

A.HARIPRASAD, J.

B.A. No.5408 of 2015

Dated this the 11th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No. 804 of 2015 of Edakkara Police Station registered for offences punishable under Section 379 of the Indian Penal Code and Sections 20 read with Section 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. Allegation against the petitioner is that on 12.08.2015 at about 1.05 p.m., he was found loading river sand illegally. 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 of the Code of Criminal Procedure. He shall surrender before the Investigating Officer within two weeks 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 regular bail before the learned Magistrate. In that event, the learned Magistrate shall consider the application as expeditiously as possible on merits.

A. HARIPRASAD, JUDGE.

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