

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Bail Appl..No. 5475 of 2015 ()

CRIME NO. 404/2015 OF NILESWARAM POLICE STATION , KASARGOD DISTRICT

PETITIONER/ACCUSED:

**SUNIL.M., AGED 32 YEARS,
S/O. RAMACHANDRAN P.V., KADINJIMoola,
THAIKADAPPURAM P.O., KASARAGOD DISTRICT.**

**BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A. HARIPRASAD, J.

Bail Appl. No.5475 of 2015

Dated this the 15th 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.404 of 2015 of Nileswaram Police Station registered for the offences punishable under Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act and Sec.379 of the Indian Penal Code.

3. The prosecution case is that, the petitioner was found transporting river sand in a mini lorry and on seeing the Police officers, he ran away. 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 /

NS

P.A. To Judge