

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

Bail Appl..No. 5487 of 2015

CRIME NUMBER NOT KNOWN

PETITIONER(S)/ACCUSED:-:

**BASHEER, AGED 30 YEARS,
S/O.MONTHEEN, CHAKKOOPILACKAL HOUSE, VILAYIL P.O.,
KUZHIMANNA (VIA), MALAPPURAM DISTRICT.**

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENT(S)/COMPLAINANT:-:

**STATE OF KERALA,
BY THE SUB INSPECTOR OF POLICE,
KONDOTTY POLICE STATION,
THROUGH THE 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 16-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A. HARIPRASAD, J.

Bail Appl. No.5487 of 2015

Dated this the 16th 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.1099 of 2015 of Kondottty Police registered for 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 lorry owned by him. 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