

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Bail Appl..No. 5505 of 2015 ()

CRIME NO. 373/2015 OF MUKKAM POLICE STATION , KOZHIKODE DISTRICT

PETITIONER/ACCUSED:

**T. FASIL, S/O.ABDULLA, AGED 26 YEARS,
RESIDING AT THADAYIL HOUSE,
KODIYATHUR POST, MUKKAM, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.T.MADHU
SMT.C.R.SARADAMANI**

RESPONDENT/STATE:

**THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
MUKKAM POLICE STATION, KOZHIKODE DISTRICT,
REPRESENTED BY 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 12-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A. No.5505 of 2015

Dated this the 12th day of October, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.373 of 2015 of Mukkam Police Station registered for offences punishable under Section 379 of the Indian Penal Code and Sections 20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. Allegation against the petitioner is that on 30.07.201 at about 3.20 a.m., he was found transporting river sand illegally without a valid permit. Petitioner pleaded innocence.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

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.

**Sd/-
A.HARIPRASAD,
JUDGE.**

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P.A to Judge