

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Bail Appl..No. 5729 of 2015

CRIME NO. 428/2015 OF FEROKE POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED:-:

**RAFEEQ C., AGED 25 YEARS,
S/O.ABDURAHIMAN, AMBALAMKANDY HOUSE, KODAMPUZHA,
FEROKE COLLEGE P.O., KOZHIKODE.**

**BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN**

RESPONDENT(S)/STATE AND COMPLAINANT:-:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
FEROKE POLICE STATION, KOZHIKODE DISTRICT - 673 004.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.5729 of 2015

Dated this the 30th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.428 of 2015 of Feroke Police Station registered for offences punishable under Section 379 of the Indian Penal Code and Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. Heard both sides.

4. Learned counsel for the petitioner submitted that petitioner is innocent of all the allegations.

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.

Application is disposed of.

A. HARIPRASAD, JUDGE.

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