

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Bail Appl..No. 5754 of 2015 ()

CRIME NO. 529/2015 OF FEROKE POLICE STATION, KOZHIKODE DISTRICT.

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PETITIONER/ACCUSED :

**MIRSHAD. K.,
S/O. MUHAMMED ASHARAF, AGED 23 YEARS,
KUMMALI POTTAMMAL KODAMBUZHA,
P.O. FEROKE COLLEGE, KOZHIKODE-673 632.**

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

RESPONDENTS/STATE AND COMPLAINANT:

- 1. THE 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.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.5754 of 2015

Dated this the 28th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No. 529 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.

A. HARIPRASAD, JUDGE.

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