

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. 5796 of 2015 ()

**CRIME NO. 682/2015 OF SREEKRISHNAPURAM POLICE STATION,
PALAKKAD DISTRICT**

PETITIONER/ACCUSED NO.2 :

**ABBAS K., AGED 48 YEARS
S/O.KOYA, RESIDING AT KATTIKUNNIL HOUSE
P.O KOTTAPPURAM, KARIMPUZHA, OTTAPALAM
PALAKKAD - 679 513.**

**BY ADVS.SRI.C.K.SREEJITH
SMT.MARY RANZOM LOUIZ**

RESPONDENTS/COMPLAINANT & STATE :

**1. THE STATION HOUSE OFFICER
SREEKRISHNAPURAM POLICE STATION,
PALAKKAD, PIN - 686 621.**

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

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

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

Mn

A.HARIPRASAD, J.

B.A.No.5796 of 2015

Dated this the 30th day of September, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.682 of 2015 of Sreekrishnapuram Police Station registered for the offences punishable under Section 379 r/w Section 34 of the Indian Penal Code and Sections 20 & 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. Prosecution case is that on 13.09.2015, the 1st petitioner was found transporting river sand in vehicle bearing registered No.KL-13-M-1570, without any proper documents or authority. Petitioner is the owner of the vehicle. Petitioner pleaded innocence.

4. Heard the learned counsel for the petitioner and 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 get anticipatory bail under Section 438 of the Code of Criminal Procedure.

The petitioner shall surrender before the Investigating Officer within a period of '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.

AS

/True Copy/

P.A. to Judge