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. 5834 of 2015 ()

CRIME NO. 750/2015 OF THRITHALA POLICE STATION, PALAKKAD DISTRICT.
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PETITIONER/ACCUSED:

MOHAMMED HANEEFA, S/O. MUHAMMED,
AGED 40 YEARS, THONIKKADAVATH HOUSE,
KUDALLUR P.O., ANAKKARA VILLAGE,
OTTAPALAM TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM,
THROUGH SUB INSPECTOR OF POLICE,
THRITHALA POLICE STATION, PALAKKAD.

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.5834 of 2015

Dated this the 28th day of September, 2015

O R D E R

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

2. Petitioner is the accused in Crime No.750 of 2015 of Thrithala Police Station registered for the offences punishable under Section 379 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 01.09.2015, two persons sat on a Maruthi car and three persons loaded three plastic sacks of river sand in the said car without any proper documents or authority. 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