

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

Bail Appl..No. 5943 of 2015 ()

**CRIME NO. 691/2015 OF PANDIKAD POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONERS/ACCUSED :

- 1. USMAN, AGED 29 YEARS,
S/O.MUHAMMED HAJI, KARAPPRAMBAM HOUSE,
NELLIKKUTHU (PO), MALAPPURAM (DT).**
- 2. FASID MON P.P., AGED 20 YEARS,
S/O.MUHAMMEDALI P.P., PALAPPARAMBATH HOUSE,
NELLIKKUTHU (PO), MALAPPURAM DT.**

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENT/COMPLAINANT :

**STATE OF KERALA BY THE SUB INSPECTOR OF POLICE,
PANDIKKAD POLICE STATION
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A No.5943 of 2015

Dated this the 5th day of October, 2015.

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime No.691 of 2015 of Pandikkad 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. Allegation against the petitioners is that on 05.09.2015, they were found transporting river sand illegally without a valid permit. Petitioners pleaded innocence.

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

5. The offences alleged against the petitioners have a direct bearing on the ecological balance and economic interest of this Country. Therefore, I am of the view that the petitioners are not entitled to plead for pre-arrest bail under Section 438 of the

Code of Criminal Procedure. They shall surrender before the Investigating Officer within two weeks from today and submit themselves for interrogation. The Investigating Officer shall produce them before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioners are 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. If petitioners do not surrender in the stipulated time, the Investigating Officer is free to arrest them as if no order is passed in this matter.

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

//True copy//

amk

P.A to Judge