

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Bail Appl..No. 6032 of 2015

CRIME NO. 1095/2015 OF PERINTHALMANNA POLICE STATION, MALAPPURAM
.....

PETITIONER(S)/ACCUSED:

**MOIDEENKUTTY, AGED 42 YEARS,
S/O.ALU, THONIKKADAVAN KUNNATH HOUSE, ALIPARAMBA P.O.,
MALAPPURAM DISTRICT.**

BY ADV. SRI.K.RAKESH

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
PERINTHALMANNA POLICE STATION, MALAPPURAM DISTRICT,
PIN - 679 322.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
06-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.6032 of 2015

Dated this the 6th day of October, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.1095 of 2015 of Perinthalmanna Police Station registered for offences punishable under Section 379 of the Indian Penal Code and Sections 20 and 21 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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