

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Bail Appl..No. 6212 of 2015

CRIME NO. 744/2015 OF VAZHAKKAD POLICE STATION , MALAPPURAM

PETITIONER/ACCUSED:

MUHAMMED SHAMIM K.P, AGED 21 YEARS
S/O. MUHAMMED HAJI, OTTAMBALAM HOUSE, UGRAPURAM P.O
MALAPPURAM PIN 673 639

BY ADV. SRI.K.RAKESH

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SMT. S. HYMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

RAJA VIJAYARAGHAVAN.V. J

B.A.6212 of 2015

Dated 19th October, 2015

ORDER

- 1.This is a petition filed u/s 438 of the Code of Criminal Procedure.
- 2.The petitioner is the accused in crime No.744 of 2015 of Vazakkad police station, Malappuram. The said crime has been registered alleging offence punishable u/s 379 r/w S.34 of the IPC and also u/s 12 r/w S.20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.
- 3.The prosecution allegation is that on 1.10.2015, a Mini Lorry bearing registration mark KL-13-M-709 belonging to the petitioner was found engaged in the illegal transportation of river sand.
- 4.I have heard the learned counsel for the petitioner as

well as the learned Public Prosecutor.

5.The learned counsel appearing for the petitioner has submitted that he has no business of transport, sale or purchase of river sand and that he is totally innocent of the allegations. According to the learned counsel, he is not involved in the crime as alleged.

6.The learned Public Prosecutor vehemently opposed the application for bail and has submitted that no leniency should be shown to a person like the petitioner who has plundered the resources of nature.

7.Considering the nature of allegations, I am of the considered view that this is not a fit case where relief of pre-arrest bail can be granted to the petitioner.

8.However, 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, expeditiously, preferably on the date of surrender itself.

The Bail application is disposed of as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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P.S. To Judge