

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Bail Appl..No. 6288 of 2015

CRIME NO. 676/2015 OF VAZHAKKAD POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S) :

**MUHAMMED AJMAL, AGED 18 YEARS,
S/O.MAMMED, VATTAKKATU HOUSE, VETTATHOOR,
CHERUVAYOOR. PO, VAZHAKKAD, MALAPPURAM DISTRICT-673 645.**

BY ADV. SRI.S.SHARAN

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-680 031.**
- 2. SUB INSPECTOR OF POLICE,
VAZHAKKAD POLICE STATION, MALAPPURAM DISTRICT-673 645.**

BY SR.PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.6288 of 2015

Dated this the 14th day of October, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.676 of 2015 of Vazhakkad Police Station registered for offences punishable under Section 379, 307, 332 and 34 of the Indian Penal Code and Sections 12 and 23 read with Section 20 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The incident which gave rise to the registration of the crime was on 03.09.2015. Prosecution case is that on that day, the Sub Inspector of Police, Vazhakkad Police Station accompanied by a Police Constable got information that the accused persons were engaged in mining river sand and they were loading it in a lorry. When they went to the informed place, the accused persons started the lorry and dangerously moved it forward to kill the Police Officers. They jumped out of the motor cycle so that they could save their lives, but the motor cycle was completely damaged. The Police Constable sustained some injuries in the incident.

4. Heard both sides.

5. Learned counsel submitted that the petitioner was not named in the first information report and therefore, he is innocent.

6. Learned Prosecutor strongly opposed the bail application contending that this is not a simple instance of sand mining. The sand mafia at many place unleash attack against Police Officers who are engaged in the duty of detecting and taking appropriate action in such offences.

Considering the nature of allegations and the social impact on these type of acts, I am not inclined to grant pre-arrest bail to the petitioner.

Application is dismissed.

A. HARIPRASAD, JUDGE.

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