

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937**

**Bail Appl..No. 6632 of 2015**  
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**CRIME NO. 663 OF 2015 OF ELATHUR POLICE STATION , KOZHIKODE DISTRICT**  
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**PETITIONER(S)/ACCUSED :**  
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1. BABU.A, AGED 46 YEARS,  
S/O.GOVINDAN, ADIYOTTIL HOUSE, PUTHIYARA,  
CALICUT.
2. UNNIKRISHNAN, AGED 46 YEARS,  
S/O.RAMANKUTTY, KARIBANAKKAL HOUSE,  
MALAYAMMA POST, CALICUT.

**BY ADVS.SRI.K.M.FIROZ  
SMT.M.SHAJNA  
SRI.S.KANNAN**

**RESPONDENT(S)/STATE AND COMPLAINANT :**  
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1. THE STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. THE SUB INSPECTOR OF POLICE,  
ELATHUR POLICE STATION, KOZHIKODE DISTRICT- 676 008.

**BY PUBLIC PROSECUTOR SMT.R.REMA**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 02-11-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

Msd.

**A. HARIPRASAD, J.**

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**Bail Appl. No.6632 of 2015**  
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**Dated this the 2<sup>nd</sup> day of November 2015**

**O R D E R**

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.663 of 2015 of Elathur Police Station registered for the offences punishable under Sec.379 of the Indian Penal Code and Secs.20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The prosecution case is that, the petitioners were transported river sand without any documents or authority. Petitioners pleaded innocence.

4. Heard both sides.

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 Cr.P.C.

They shall surrender before the  
Investigating Officer within 15 days 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 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**

/ True Copy /

NS/02/11/2015

P.A. To Judge