

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Bail Appl..No. 6969 of 2015 ()

CRIME NO. 257/2015 OF SHOLAYOOR POLICE STATION, PALAKKAD DISTRICT

PETITIONER(S)/ACCUSED NOS.1 & 2:

- 1. GOKUL, S/O.ARUCHAMI, AGED 26 YEARS,
6/47, MANDAYAMMAN KOVIL, ANAKATTY P.O.,
KULUKKOOR, MANNARKKAD TALUK,
PALAKKAD DISTRICT.**
- 2. PONNANAN, S/O.RANGAN,
AGED 35, URIYAN CHALA, PAZHAYA THUVA P.O.,
MATTATHUKADU, MANNARKKAD TALUK,
PALAKKAD DISTRICT.**

**BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
SHOLAYOOR POLICE STATION, PALAKKAD DISTRICT,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No.6969 of 2015

Dated this the 13th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 1 and 2 in Crime No.257 of 2015 of Sholayoor Police Station registered for offences punishable under Section 379 read with Section 34 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. Heard both sides.

4. Learned counsel for the petitioners submitted that petitioners are innocent of all the allegations.

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.

Application is disposed of.

A. HARIPRASAD, JUDGE.

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