

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

Bail Appl..No. 7165 of 2015 ()

**CRIME NO. 1104/2015 OF TANUR POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONER/ACCUSED :

**SAINUDHEEN, AGED 30 YEARS,S/O. KUNHIMON,
ASANARUPURAKKAL HOUSE, EDAKKANAD
PURATHUR, TIRUR, MALAPPURAM DISTRICT.**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
(REPRESENTING SUB INSPECTOR OF POLICE
TANUR POLICE STATION, MALAPPURAM DISTRICT.).**

BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.7165 of 2015

Dated this the 18th day of November, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.1104 of 2015 of Tanur Police Station registered for offences punishable under Section 379 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. Allegation against the petitioner is that on 01.11.2015 at about 12.10 p.m., he was found transporting river sand illegally without a valid permit. Petitioner pleaded innocence.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

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. If petitioner does not surrender in the stipulated time, the Investigating Officer is free to arrest him as if no order is passed in this matter.

Sd/-
A.HARIPRASAD,
JUDGE.

amk

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PA to Judge