

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

Bail Appl..No. 7312 of 2015 ()

**CRIME NO. 841/2015 OF VADAKKEKKAD POLICE STATION,
TRISSUR DISTRICT**

PETITIONERS/ACCUSED :

- 1. KHADER P.M., AGED 37 YEARS,
S/O.MUHAMMEDUNNI, PADINJAPURATH HOUSE, ALAKKAD P.O.
CHAVAKKAD TALUK, THRISSUR DISTRICT.**
- 2. SUKKOOR P.K., AGED 32 YEARS,
S/O.KHALID, PADINJAPURATH HOUSE, ALAKKAD P.O.,
CHAVAKKAD TALUK, THRISSUR DISTRICT.**
- 3. SURIYA C.H., AGED 31 YEARS,
S/O.HYDER, CHERUAMBI HOUSE, ALAKKAD P.O.,
CHAVAKKAD TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.RAJIT

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A.No.7312 of 2015

Dated this the 4th day of December, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.4 to 6 in Crime No.841 of 2015 of Vadakkekad Police Station registered for the offences punishable under Section 379 r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that on 12.09.2015 at about 03.15 a.m., the petitioners along with other accused were found filling up of a river sand in a plastic bags and loading the same into a vehicle without any proper documents or authority. Prosecution further contended that they were unauthorizedly removing sand from a river shore.

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

5. Learned counsel for the petitioners submitted that they are innocent.

6. Learned Public Prosecutor opposed the bail application contending that petitioners have been named

in the F.I.S. Some of the accused persons were arrested from the spot.

7. 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 petitioner is not entitled to get anticipatory bail under Section 438 of the Code of Criminal Procedure.

The petitioners shall surrender before the Investigating Officer within a period of '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.

AS

/True Copy/

P.A. To Judge