

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 7486 of 2015 ()

CRIME NUMBER NOT KNOWN OF NALLALAM POLICE STATION, KOZHIKODE DIST.

.....

PETITIONERS/ACCUSED:

- 1. SHAFIH T.V., S/O.ABOOBACKER,
AGED 32 YEARS, MANUSSERI PARAMBIL HOUSE,
PUTHOORMADAM, PANTHEERANKAVU,
KOZHIKODE DISTRICT.**
- 2. AJMAL ROSHAN, S/O.RASAK,
AGED 24 YEARS, PATHARAKKAL HOUSE,
VELLAYIKKODE, PERUMANNA, KOZHIKODE DISTRICT.**
- 3. FAZAL MARAKKAR, S/O.HASSAN KOYA,
AGED 34 YEARS, MANHAPARAKKAL HOUSE,
VELLAYIKKODE, KOZHIKODE DISTRICT.**

BY ADV. SRI.BABU S. NAIR.

RESPONDENTS/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
NALLALAM POLICE STATION,
KOZHIKODE DISTRICT, PIN-673 027.**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

=====

B.A.No.7486 of 2015

=====

Dated this the 2nd day of December, 2015

ORDER

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

2. Petitioners are the accused in Nallalam Police Station registered for the offences punishable under Section 379 of the Indian Penal Code and Sections 20 & 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. Prosecution case is that on 18-11-2015, the petitioners were found transporting river sand in vehicle No.KL-11-U-5589, without any proper documents or authority. Petitioners pleaded innocence.

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

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 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.

AVS

//TRUE COPY//

P.A TO JUDGE