

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. 7511 of 2015

CRIME NO. 1405/2015 OF NALLALAM POLICE STATION, KOZHIKODE DISTRICT.
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PETITIONER/ACCUSED:

**SALEEM, AGED 27 YEARS,
S/O.MOHAMMED, MANCHAPPARAMMAL,
PERUMANNA, NALLALAM, KOZHIKODE.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031 (CRIME NO 1405/2015
OF NALLALAM POLICE STATION,
KOZHIKODE DISTRICT)**
- 2. STATION HOUSE OFFICER,
NALLALAM POLICE STATION,
KOZHIKODE DISTRICT - 673 027,
(CRIME NO 1405/2015 OF NALLALAM POLICE STATION,
KOZHIKODE DISTRICT)**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

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

mbr/

A.HARIPRASAD, J.

B.A.No.7511 of 2015

Dated this the 4th day of December, 2015

O R D E R

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

2. Petitioner is the accused in Crime No.1405 of 2015 of Nallalam Police Station registered for the offences punishable under Sections 379 r/w Section 34 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 25.10.2015 at about 02.15 p.m., the petitioner was found transporting river sand in a tipper lorry bearing registration No.KL-10/T 9467 without any proper documents or authority. Petitioner pleaded innocence.

4. Heard the learned counsel for the petitioner and 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 get anticipatory bail under Section 438 of the Code of Criminal Procedure.

The petitioner shall surrender before the Investigating Officer within a period of '15 days' 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 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