

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

Bail Appl..No. 7583 of 2015

CRIME NO. 757/2015 OF IRIKKUR POLICE STATION, KANNUR DISTRICT.
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PETITIONER/ACCUSED:

**AJOESH.P.S, AGED 28 YEARS,
S/O.SUGUMARAN, PLAKUZHIL HOUSE,
KALYADU AMSOM, TIRUR.**

**BY ADVS.SRI.T.B.SHAJIMON
SMT.GOVINDU P.RENUKADEVI**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

Bail Appl. No.7583 of 2015

Dated this the 7th day of December 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.757 of 2015 of Irikkur Police Station registered for the offences punishable under Sec.379 of the Indian Penal Code and Secs.20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The prosecution case is that, on 26.10.2015 at about 10.50 p.m., the Police officers, while on patrol duty, found the petitioner transporting river sand in a lorry and on seeing them, the petitioner ran away. Petitioner pleaded innocence.

4. Heard both sides.

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 Cr.P.C.

He shall surrender before the Investigating Officer within 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. If the petitioner does not surrender as directed, the investigating officer is free to arrest the petitioner after the stipulated period.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/07/12/2015

P.A. To Judge