IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Bail Appl..No. 7599 of 2015

CRIME NO. 1064/2015 OF KOTTAKKAL POLICE STATION, MALAPPURAM

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PETITIONER(S)/ACCUSED:

KASIM, AGED 45 YEARS,
S/O.KUNHALAN, THATTARUTHODI HOUSE, MATTATHUR P.O.,
OTHUKKUNGAL, MALAPPURAM DISTRICT.

BY ADV. SRI.K.RAKESH

RESPONDENT(S)/STATE & COMPLAINANT:

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

2. THE SUB INSPECTOR OF POLICE,
KOTTAKKAL POLICE STATION, MALAPPURAM DISTRICT,
PIN - 676 503.

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

A.HARIPRASAD, J.

B.A.No.7599 of 2015

Dated this the 8th 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.1064 of 2015 of Kottakkal Police Station registered for the offences punishable under Section 379 of the Indian Penal Code and Sections 20 & 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. Prosecution case is that on 12.11.2015, the petitioner was found transporting river sand in a mini lorry bearing registration No.KL-07F/2061 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