

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937**

**Bail Appl..No. 7637 of 2015 ()**  
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**CRIME NO. 415/2014 OF KOLATHUR POLICE STATION, MALAPPURAM DISTRICT**  
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**APPLICANTS/ACCUSED :**  
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**MOHAMMED SAMEER,  
AGED 35 YEARS, S/O.KUNHI MUHAMMED,  
MUNDUMMAL HOUSE, KOLATHUR P.O.,  
MALAPPURAM DISTRICT.**

**BY ADV. SRI.THOMAS J. ANAKKALLUNKAL**

**RESPONDENT/COMPLAINANT :**  
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**STATE OF KERALA  
REPRESENTED BY THE SUB INSPECTOR OF POLICE  
KOLATHUR POLICE STATION, THROUGH PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03-12-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Mn**

**A.HARIPRASAD, J.**

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**B.A.No.7637 of 2015**  
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Dated this the 3<sup>rd</sup> 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.415 of 2015 of Kolathur Police Station registered for the offences punishable under Sections 279 and 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 18.11.2014 at about 09.50 p.m., the petitioner was found transporting river sand in a tipper lorry 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