

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Bail Appl..No. 9078 of 2014

CRIME NO. 839/2014 OF NALLALAM POLICE STATION , KOZHIKKODE DISTRICT

PETITIONER(S)/ ACCUSED:

1. NOUFAL K., AGED 26 YEARS,
S/O.KUNHIMOIDEEN, KAKKU VEETIL HOUSE, PERUMANNA,
MEKKUPADAM, PANTHEERANKAVU, KOZHIKKODE DISTRICT.
2. SHANAVAS, AGED 26 YEARS,
S/O.ABDUL AZEEZ, CHERIYA PAVAMBATH, PERUMANNA,
MEKKUPADAM, PANTHEERANKAVU, KOZHIKKODE DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STATE & COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
B.A. No.9078 of 2014
.....

Dated this the 14th day of January, 2015

ORDER

This is a petition filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime No.839/2014 of the Nallalam Police Station, Kozhikode registered for the offences punishable under Section 379 read with Section 34 of the Indian Penal Code and Sections 20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. The allegation against the petitioners is that on 18.10.2014 at about 04.30 a.m., they along with the other accused were found transporting sand illegally collected from the river without any authority, by the lorry bearing

Reg.No.KL-11H-876.

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

5. The learned Public Prosecutor has pointed out that petitioners are involved in another Crime No.170/2014 of Nallalam Police Station for the very same offence. When the petitioners are involved in another case involving similar offence, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner.

6. The learned counsel for the petitioners seeks for an opportunity to the petitioners to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioners may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioners, effect recovery if any, and conduct the investigation and produce the petitioners without delay

before the concerned Judicial First Class Magistrate's Court, where the petitioners can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge