

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 3RD DAY OF APRIL 2018 / 13TH CHAITHRA, 1940

Bail Appl..No. 1645 of 2018

CRIME NO. 98/2018 OF NALLALAM POLICE STATION , KOZHIKODE

PETITIONER(S)/PETITIONER

SHAMEER  
S/O.AHAMMED, VADAKKENI HOUSE,  
PARUTHI PARA, FEROK COLLEGE POST,  
KOZHIKODE 673632,

BY ADVS.SRI.K.M.FIROZ  
SMT.M.SHAJNA  
SMT.UMMUL FIDA  
SRI.E.C.AHAMED FAZIL  
SRI.P.C.MUHAMMED NOUSHIQ

RESPONDENT(S)/RESPONDENTS:

1. THE STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. THE SUB INSPECTOR OF POLICE,  
NALLALAM POLICE STATION,  
KOZHIKODE DISTRICT-673027.

BY PUBLIC PROSECUTOR SRI.AJITH MURALI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03-04-2018,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

IAP

**RAJA VIJAYARAGHAVAN V, J.**

-----  
**B.A.No.1645 of 2018**  
-----

Dated this the 3<sup>rd</sup> day of April, 2018

**ORDER**

- 1.This petition is filed under section 438 of the Code of Criminal Procedure.
- 2.The petitioner herein is the accused in Crime No.98 of 2018 of the Nallalam Police Station, registered under Section 379 of the IPC and Sections 20 & 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.
- 3.On 22.2.2018 at 4 am, the Sub Inspector of Police, Nallalam Police station the petitioner was found transporting stolen river sand without any permit or pass. The petitioner managed to make good his escape, but the vehicle was seized.
- 4.The learned counsel appearing for the petitioner asserted that the petitioner is totally innocent.
- 5.This submission is vehemently opposed by the learned Public Prosecutor who refers to the case diary and submitted that investigation specifically points to the complicity of the petitioner.
- 6.I have gone through the case diary. The ramifications of

illegal sand mining and the adverse impact that it would have on the ecology and the environment are matters which concern every citizen of this Country. If taken lightly, it may cause the river to change its track, affect ground water table and adversely impact the habitat of micro organisms. Having regard to all these aspects, I am of the considered view that this Court will not be justified in exercising its discretionary jurisdiction by granting pre-arrest bail to the petitioner.

7.The learned counsel prays that a direction be issued to enable the petitioner to surrender before the jurisdictional court. I do not see any need for issuance of any such directions. The petitioner shall surrender as expeditiously as possible and if an application for bail is filed, the same shall be considered and orders shall be passed on its merits.

This petition is dismissed.

**Sd/-**

**RAJA VIJAYARAGHAVAN V.,  
JUDGE**

IAP //True Copy\\

P.A to Judge