

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

THURSDAY, THE 30TH DAY OF APRIL 2020 / 10TH VAIASAKHA, 1942

BA.TMP.No.143 OF 2020

(CRIME NO.215/2020 OF TIRUR POLICE STATION, MALAPPURAM DISTRICT)

PETITIONER:

1 Hashiq Ali P.,
S/o Ali Akbar, Aged 30 years,
Palakkal House, Kaimalasseri, Mangalam P.O.,
Malappuram District.

BY ADV.SRI.C.M.MOHAMMED

RESPONDENTS:

State of Kerala,
Represented by Public Prosecutor/
High Court of Kerala, Ernakulum.

BY P.P SRI.AJITH MURALI

THIS BAIL APPLICATION TMP HAVING BEEN FINALLY HEARD ON
30.04.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.G.ARUN, J.

B.A. TMP No. 143 of 2020

Dated this the 30th day of April, 2020.

ORDER

This application for pre-arrest bail is filed by the 2nd accused in Crime No.215/2020 of Tirur Police Station, Malappuram District. The offences alleged against the petitioner are under Section 379 of IPC and Section 20 and 23 of the Kerla Protection of River Banks and Regulation of Removal of Sand Act, 2001. The prosecution allegation is that, on 14.03.2020, while a Tipper Lorry belonging to the petitioner, bearing registration No.KL-31-3848 was seized while transporting river sand illegally and the 1st accused arrested at the spot. The learned Counsel for the petitioner submitted that the petitioner is innocent of the offences alleged and had no knowledge that the Driver entrusted with the vehicle would indulged in such activities.

2. I heard learned Public Prosecutor also.

3. I am of the opinion that this is not a fit case to grant pre-arrest bail to the petitioner. At the same time, liberty is granted to the petitioner to move appropriate application for bail before the jurisdictional magistrate court with advance notice to the Public Prosecutor concerned. In such event, the application for bail shall be considered by the learned

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Magistrate on the date of submission of the application by the petitioner,
and appropriate orders to be passed on the same day.

V.G.ARUN
JUDGE

jm/30.4.2020.