

Salim vs State of Kerala

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Court : Kerala Orders

Decided On : May-31-2021

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : Bail Appl./3860/2021

Appellant : SALIM

Respondent : State of Kerala

Judgement :

BAIL APPL. NO. 3860 OF 2021 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V MONDAY, THE 31ST DAY OF MAY 2021 / 10TH JYAISHTA, 1943 BAIL APPL. NO. 3860 OF 2021 Crime No.147 of 2021 of Kuttipuram Police Station PETITIONER/S: SALIM AGED 37 YEARS SON OF KOYAKKUTTY, PULIKKAL HOUSE, KAINIKKARA, TRIPRANGODE, POYILISSERI MALAPPURAM, PIN - 676102 BY ADV BINU V V VEETIL VALAPPIL RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 SREEJA.V- PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 31.05.2021, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: BAIL APPL. NO. 3860 OF 2021 2

ORDER

This application seeking pre-arrest bail filed under section 438 of the Code of Criminal Procedure is by the the accused in Crime No.147 of 2021 of Kuttipuram Police Station registered under Section 379 of the IPC and under Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

2. The crux of the prosecution allegation is that on 1.5.2021 at 12.30

am., in blatant violation of the provisions of Act 18 of 2001, a lorry bearing Reg. No.KL-40-4113 was found transporting river sand. The lorry was intercepted by the Officer of the Police Station. On seeing the police personnel, the driver jumped out from the lorry and took to his heels. The vehicle along with the river sand were seized and the crime was registered.

3. The learned counsel appearing for the applicant asserted that the applicant is innocent. According to the learned counsel, the applicant has nothing to do with the vehicle and he was roped in purely on the basis of suspicion.

4. 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 applicant.

5. Act 18 of 2001 was enacted to curtail the indiscriminate and uncontrolled removal of sand from the rivers in the State of Kerala and to

BAIL APPL. NO. 3860 OF 2021 3 protect river banks and river beds and their biophysical environment. Every citizen has a constitutional obligation to protect the environment and ecology under Article 48A and Article 51-A(g) of the Constitution of India. While the nation is reeling under the trauma and loss of life caused by the COVID-19 pandemic, certain persons have been stealthily exploiting the natural resources with no regard to the ill effects that their acts would cause to mother

nature. Scores of crimes have been registered at the Tirur and neighbouring police stations . The seizure of the vehicle along with river sand seized prima facie substantiates the allegations in no small measure. Investigation being in the early stages, I find no reason to grant an order of pre-arrest bail to the applicant.

6. The learned counsel prays that a direction be issued to enable the

applicant to surrender before the jurisdictional court and seek regular bail. The applicant 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. The application is dismissed. Sd/- RAJA VIJAYARAGHAVAN V JUDGE ps

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