

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

SATURDAY, THE 31ST DAY OF MAY 2014/10TH JYAISHTA, 1936

Bail Appl..No. 3321 of 2014 ()

CRIME NO. 594/2012 OF PARAPPANGADI POLICE STATION ,MALAPPURAM DISTRICT

PETITIONER/ACCUSED :

**JAYAKUMAR, AGED 38 YEARS,S/O. BALAN,
KOTTASSERY HOUSE, VALLIKUNNU NORTH P.O.,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.M.R.HARIRAJ
SMT.VINEETHA B.**

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE,
PARAPPANANGADI POLICE STATION.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-05-2014, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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P. UBAID, J.

Bail Appl. No.3321 of 2014

Dated this the 31st day of May 2014

O R D E R

Petitioner herein is the 2nd accused in Crime No.594 of 2012 of the Parappangadi Police station. This is his 2nd application for bail under Sec.438 of Cr.P.C. He filed the 1st application along with accused nos.1 and 3, as B.A. No.2298 of 2014. After hearing both sides in detail, this Court passed orders on 02.04.2014 in B.A. No.2298 of 2014, directing all the three accused to surrender before the investigating officer for necessary interrogation, and directing release of accused nos.1 and 3 specifically on certain conditions. Thus, pre arrest bail was practically disallowed to this petitioner, and he was specifically directed to approach the learned Magistrate having jurisdiction and make application for regular bail with notice to the Assistant Public Prosecutor.

2. In such a situation, a 2nd application for pre arrest bail cannot be entertained and allowed by this Court. The petitioner will have to surrender as directed

by this Court and seek regular bail from the learned Magistrate under Sec.437 of Cr.P.C. This Court does not think that the learned Magistrate would pass orders unjudiciously. If the petitioner has reasons and justifications for bail, he can very well convince the learned Magistrate and seek regular bail. Once this Court has made such a direction, the petitioner will have to comply with the direction. The 2nd application is accordingly liable to be rejected.

3. In the result, the bail application is rejected. However, the petitioner can very well comply with the earlier directions and move the learned Magistrate having jurisdiction.

Sd/-
P. UBAID
JUDGE
/ True Copy /

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P.A.To Judge