

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

FRIDAY, THE 26TH DAY OF DECEMBER 2014/5TH POUSHA, 1936

Bail Appl.No. 9022 of 2014

CRIME NO. 1283/2014 OF KALLAMBALAM POLICE STATION, THIRUVANANDAPURAM

PETITIONER(S)/ACCUSED:

1. ARUN, AGED 25 YEARS,
PALAVILA VEEDU, CHEMMARUTHY, VADASSERIKONAM P.O.,
VARKALA.
2. SARATH, AGED 28 YEARS,
CHARUVILA PUTHENVEEDU, MUTHARA.P.O., PALAYAMKUNNU,
VARKALA.
3. SHALU, AGED 22 YEARS,
CHARUVILA PUTHENVEEDU, MUTHARA.P.O., PALAYAMKUNNU,
VARKALA.
4. SHARUN, AGED 26 YEARS,
CHARUVILA PUTHENVEEDU, MUTHARA.P.O., PALAYAMKUNNU,
VARKALA.
5. SURESH, AGED 40 YEARS,
PUTHENVEEDU, CHUDUKADU, PERUMKULAM DESOM,
VARKALA VILLAGE.
6. ATHUL @ MANU, AGED 27 YEARS,
S/O. SULOCHANA KUMAR, VILAYIL VEEDU, PALAYAMKUNNU,
VARKALA.
7. SUBASH, AGED 39 YEARS,
S/O. VISWANATHAN, THEKKEVILA VEEDU, VENKULAM, EDAVA,
VARKALA.

BY ADVS.SRI.R.MANOJ
SMT.SINDHU MANOJ

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
(ON BEHALF OF SUB INSPECTOR OF POLICE
KALLAMBALAM POLICE STATION.)

BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
26-12-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. RAMAKRISHNAN, J.

.....
B.A.No.9022 of 2014
.....

Dated this the 26th day of December, 2014.

O R D E R

This is an application for anticipatory bail filed by the petitioners, who are the accused in Crime No.1283/2014 of Kalambalam police station, under Section 438 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that the accused persons kidnapped the defacto complainant and others and illegally confined them in a room and extracted money from them alleging that it is intended for doing 'Annadanam' in a temple and thereby all of them have committed the offence punishable under Sections 364 A, 386, 368 and 34 of the Indian Penal Code.

3. The counsel for the petitioners submitted that the petitioners have not committed any offence and they are innocent of the same and they are prepared to surrender before the concerned Magistrate court and if they surrender, a direction may be issued to the Magistrate to consider their bail application on the date of surrender itself.

4. The application was opposed by the Public Prosecutor .

5. It is seen from the records that the above crime was registered on the basis of the complaint filed by the defacto complainant before the Deputy Superintendent of Police, Attingal against the present petitioners alleging commission of the above said offence and the same was forwarded to the Kallmbalam police station within whose jurisdiction the offence was committed and on that basis Crime No.283/2014 of Kallambalam police station was registered under Sections 364 A, 386, 368 and 34 of the Indian Penal Code was registered against the petitioners after recording statement of the defacto complainant. Thereafter, during investigation, it was reveled that offences under Sections 368 and 34 of the Indian Penal Code were also committed and the above offences were also incorporated. Considering the nature of allegations and also the offence committed, this Court feels that it is not a fit case to grant anticipatory bail invoking the power under section 438 of the Code to the petitioner. Further, persons other than the petitioners who were involved in the crime also to be traced out, which can be possible only on interrogating the present petitioners. Considering the circumstances, this

Court feels that it is not a fit case to grant anticipatory bail to the petitioners invoking the power under Section 438 of the Code. However, if the petitioners surrender before the investigating officer, then the investigating officer, after interrogating them, if he is satisfied that their arrest is required, then record their arrest and after recording their arrest, produce them before the concerned Magistrate court as far as possible on the same date without delay and on such production, if the petitioners move for regular bail, then the learned Magistrate is directed to consider and dispose of the bail application as far as possible on the date of filing of the application itself after hearing the Assistant Public Prosecutor of that court in accordance with law. This order will not prevent the investigating officer in arresting the accused persons in exercising their power under the Code, if they did not surrender before the investigating officer or Magistrate court as undertaken by them before this Court.

With the above directions and observations, this application is dismissed.

Sd/-

K. RAMAKRISHNAN, JUDGE

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/true copy/

P.S to Judge