

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Bail Appl..No. 12 of 2015 ()

CRIME NO. 1160/2014 OF PERAMBRA POLICE STATION, KOZHIKODE DISTRICT

PETITIONER/ACCUSED:

**ASHIF RAHMAN, AGED 24 YEARS,S/O.ASSAIN,
ASHARI MAKKAL, THAZHEKODE AMSOM DESOM,
NEELESWARAM POST, KOZHIKODE DISTRICT.**

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
(CRIME.NO.1160/2014 OF THE PERAMBRA POLICE STATION
IN KOZHIKODE DISTRICT).**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

B.A.No.12 of 2015

Dated this the 14th day of January 2015

ORDER

Petition filed under Section 438 of Code of Criminal Procedure.

2. According to the petitioner, he is apprehending arrest in in connection with Crime No.1160/2014 of Perambra Police station registered for the offences punishable under Sections 338 and 304 of the Indian Penal Code.

3. The learned Public Prosecutor has pointed out that the Investigating Officer has reported that the license of the petitioner could be traced from the cabin of the tipper lorry involved in the incident, which has caused the death of a child, who was standing with the mother, in the bus shelter, at the road side. The tipper lorry, which had a mechanical defect, as of one of its leaves was

broken, was again driven with that knowledge by the person who drove the same, and has resulted in the incident. The learned Public Prosecutor has reported that the petitioner is a suspect in the incident. Matters being so, this is a not a fit case wherein anticipatory bail can be granted to the petitioner in this case. If the police wants to arrest the petitioner in connection with the above crime, the petitioner shall be given an opportunity to approach this Court once again, under Section 438 of Code of Criminal Procedure.

With the above said observations, this bail application is dismissed.

Sd/-
B.KEMAL PASHA,
JUDGE

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PA to Judge