

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Bail Appl..No. 897 of 2015

CRIME NO. 64/2015 OF PERINTHALMANNA POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED:-:

- 1. ALI AFSAL, AGED 21 YEARS
S/O.HANEEFA, PALLIPARA HOUSE, ELAMKULAM
MALAPPURAM DISTRICT.**
- 2. JAYACHANDRAN, AGED 30 YEARS
S/O.SHANKARAN, PANDIYATHIL HOUSE, ELAMKULAM
MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S)/COMPLAINANT:-:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

B.A.No.897 of 2015 B

Dated this the 25th day of February 2015

ORDER

According to the petitioners, they are apprehending arrest in connection with Crime No.64/2015 of Perinthalmanna Police Station, Malappuram District registered for the offences punishable under Section 379 read with Section 34 of the Indian Penal Code and Sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor submits that the petitioners have not been arraigned as accused in the crime. When the petitioners are not arraigned as accused in this case, there cannot be any reasonable apprehension of arrest on the

part of the petitioners. Matters being so, the present bail application is not maintainable.

3. If the police wants to arrest the petitioners, in connection with any non-bailable offence, in this case, the petitioners shall be given an opportunity to approach this Court once again, under Section 438 of the Code of Criminal Procedure.

In the result, this bail application is dismissed, with the above said observations.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

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PA to Judge