

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

Bail Appl..No. 986 of 2015 ()

CRIME NO. 49/2015 OF ELOOR POLICE STATION, ERNAKULAM DISTRICT

PETITIONER(S):

- 1. ABDUL KALAM AZAD,
S/O. MUHAMMED HUSSAIN, AGED 34 YEARS, 75A YISHAS,
NORTH PONJSDDRTY, VENGOLA.**
- 2. ABOOBACKER K.H, S/O. HASSAN, AGED 26 YEARS,
NOCHIMA KARA, NAD P.O.**

BY ADV. SRI.SHIRAS ALIYAR

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 011.**
- 2. S.I OF POLICE,
ELOOR POLICE STATION, ERNAKULAM DISTRICT.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B. KEMAL PASHA, J.

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B.A. No.986 of 2015

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Dated this the 19th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. According to the petitioners, they are apprehending arrest in connection with Crime No.49/2015 of the Eloor Police Station, Ernakulam District registered for the offences punishable under Sections 353 and 188 read with Section 34 of the Indian Penal Code.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. 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.

5. 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

DSV/19/3/15

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PA to Judge