

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

Bail Appl..No. 1113 of 2015 ()

CRIME NO. 47/2012 OF SOORANAD POLICE STATION, KOLLAM

PETITIONER :

**ANSAR, AGED 25 YEARS
S/O.SALEEM, CHARUVILA, NEAR OSTHAM MUKKU
KAMBALADI MURI, PORUVAZHI VILLAGE.**

**BY ADVS.SRI.V.JAYAPRADEEP
SRI.V.JAYADHAR**

RESPONDENT :

**STATE OF KERALA
REP. BY THE C.I. OF POLICE, SASTHAMCOTTA
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

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

Mn

B.KEMAL PASHA, J.

B.A.No.1113 of 2015

Dated this the 3rd day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the third accused in C.P.No.137/2012 of Judicial First Class Magistrate's Court, Sasthamcotta pending for committal proceedings for the offences under Sections 341, 323, 324, 452, 326 and 307 read with Section 34 of the I.P. C.

3. The learned counsel for the petitioner has pointed out that the the petitioner was not originally arraigned as an accused in the crime. Subsequently, he was arraigned as an accused, on the basis of a private complaint. He is the third accused in the committal proceedings. The request of the petitioner is that the court below may be directed to enlarge him on bail on the date of

his surrender itself.

4. The court below shall consider the aforesaid facts. It is a fact the petitioner was not arraigned as an accused in the crime. In such case, I am of the view that the petitioner may be permitted to surrender before the court below and seek bail. In the event of filing of such an application, the court below shall consider such an application and dispose of the same on the date of filing itself, provided advance notice is served on the Assistant Public Prosecutor in charge of the case. While disposing of the application, the court below shall consider the fact that the petitioner was not originally arraigned as an accused in the crime.

With the above observations, this bail application is disposed of.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge