

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. 1122 of 2015 ()

**CRIME NO. 144/2015 OF PERINTHALMANNA POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONERS/ACCUSED :

- 1. ABDUL JALEEL A.P., AGED 34 YEARS,
S/O. MOHAMMEDKUTTY, AKKAPPARAMBIL HOUSE,
KUNNAKAVU P.O., CHERUKARA, MALAPPURAM DISTRICT.**
- 2. BALASUBRAHMANIAN , AGED 35 YEARS,
S/O. JANAKI, CHANGAMPALLI HOUSE, CHEMMALACHERY P.O.,
PULAMANTHOLE, MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

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

bp

B.KEMAL PASHA, J.

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B.A. No. 1122 of 2015

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Dated this the 19th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. According to the petitioners, they are apprehending arrest in connection with Crime No.144/2015 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.

3. 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.

4. 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 closed, with the above said observations.

B.KEMAL PASHA, JUDGE

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