

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Bail Appl.No. 1203 of 2015

CRIME NO.NOT KNOWN OF AREACODE POLICE STATION, MALAPPURAM
.....

PETITIONER(S)/ACCUSED:

**MOIDEENKUTTY, AGED 37 YEARS,
S/O.ALAVI, ANAKALLUNGAL HOUSE, PULIYAKKODE,
MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
AREACODE POLICE STAION, MALAPPURAM DISTRICT,
PIN - 673 639.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

.....
B.A. No.1203 of 2015
.....

Dated this the 30th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. According to the petitioner, he is apprehending arrest in connection with Crime No.212/2015 of the Areacode 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 petitioner and the learned Public Prosecutor. The learned Public Prosecutor submits that the petitioner has not been arraigned as an accused in the crime. When the petitioner is not arraigned as an accused in this case, there cannot be any reasonable apprehension of arrest on the part of the petitioner. Matters being so, the present bail application is not maintainable.

3. If the police wants to arrest the petitioner, in connection with any non-bailable offence in this case, the petitioner 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**

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PA to Judge