

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Bail Appl..No.1455 of 2015

(CRIME NO.37/2015 OF POTHANIKADU POLICE STATION,ERNAKULAM).

PETITIONER/ACCUSED NO.2:

**SUBAIR M.B.,AGED 38 YEARS,
S/O.BAVA PILLAI,MADATHILKANDATHIL HOUSE,
KOOVALLOOR PO,POTHANIKADU.**

**BY ADVS.SRI.A.T.ANILKUMAR
SMT.V.SHYLAJA**

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM,PIN-682031.**
- 2. THE SUB INSPECTOR OF POLICE,
POTHANIKADU POLICE STATION,
ERNAKULAM DISTRICT,PIN-686671.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

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B.A. No. 1455 of 2015

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Dated this the 23rd day of March, 2015

O R D E R

According to the petitioner, he is apprehending arrest in connection with Crime No.37/2015 of Pothanikkadu Police Station, Ernakulam District registered for the offence punishable under Section 420 IPC.

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 accused in the crime. When the petitioner is not arraigned as 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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P.Ato Judge