

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. 1512 of 2015 ()

**CRIME NUMBER 255/2015 OF AREACODE POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONERS/ACCUSED :

**ILLYAS, AGED 29 YEARS
S/O. MUHAMMED, PULIKKAL HOUSE, PANNIPPARA (PO)
MALAPPURAM (DT)**

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
BY THE SUB INSPECTOR OF POLICE,
AREACODE POLICE STATION,
REPRESENTED BY THE 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. 1512 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 petitioner, he is apprehending arrest in connection with Crime No.255/2015 of 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.

3. 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.

4. 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 closed, with the above said observations.

B.KEMAL PASHA, JUDGE

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