

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

Bail Appl..No.1545 of 2015

(CRIME NO.396/2015 OF TIRUR POLICE STATION,MALAPPURAM).

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PETITIONER/ACCUSED:

**HUSSAIN,AGED 29 YEARS,S/O.ALAVIKUTTY HAJI,
VALIYAKANDATHIL HOUSE,P.O.KODINHI,TIRUR TALUK,
MALAPPURAM DISTRICT**

BY ADV.SRI.K.K.MOHAMED RAVUF

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

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B.A. No.1545 of 2015

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Dated this the 25th 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.396 of 2015 of the Tirur Police Station, Malappuram District registered for the offences punishable under Section 379 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.

4. 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.

5. 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

DSV/26/3/15

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P.A. To Judge