

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Bail Appl..No. 2833 of 2015 ()

CRIME NO. 475/2015 OF KADAVANTHRA POLICE STATION, ERNAKULAM

PETITIONER(S) :

- 1. BINU G.NAIR @ BINU, GOPALAKRISHNAN
AGED 40, S/O.GOPALKRISHNAN, NANDANAM HOUSE
ELOOR NORTH, UDYOGAMANDAL P.O.**
- 2. RAVI, AGED 52,
S/O.CHATHUKUTTY NAIR,
MUTHEDATH VEEDU, PUTHUPARIYARAM
PALAKKAD.**

**BY ADVS.SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.V.S.SHIRAZ BAVA
SRI.P.MURALEEDHARAN (THURAVOOR)**

RESPONDENTS/COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE
MARADU POLICE STATION-682 027.**

R1 & R2 BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26-06-2015,
ALONG WITH BA. 2834/2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Mn

B.SUDHEENDRA KUMAR, J.

.....
B.A.Nos. 2833 & 2834 of 2015
.....

Dated this the 26th day of June, 2015

ORDER

The petitioners are the accused in Crime No.475 of 2015 of Kadavanthra Police Station, registered under Sections 415 and 420 read with Section 34 of the Indian Penal Code.

2. The petitioners have filed these applications under Section 438 of the Code of Criminal Procedure.

3. Heard.

4. The learned counsel for the petitioners has submitted that the petitioners were formally arrested on 27.04.2015 while they were in custody in connection with some other cases and in the said circumstances, the petitioners are entitled to be granted the relief under section 438 of the Code of Criminal Procedure. The learned Public Prosecutor, on instructions, has submitted that the petitioners were formally arrested on 27.04.2015 while they were in custody in connection with connected matters. Since the petitioners had been already arrested by the Police, the question of granting the relief under Section 438 of Cr.P.C., does not arise at all. Since the petitioners had been already arrested while they were in custody in the connected in matters, it appears that

there was negligence on the part of the jail authorities in releasing the petitioners without obtaining the order granting bail from the court concerned. In the said circumstances, there is need to execute bail bond, for which the court below shall pass a formal order granting bail to the petitioners, when the petitioners surrender before the court below.

5. It has been submitted by the learned counsel for the petitioners that the petitioners will surrender before the court concerned within fifteen days from today. If the petitioners surrender before the court concerned as submitted above and file any application for bail, the learned magistrate shall permit the petitioners to execute bond, after passing a formal order granting bail to the petitioners.

In the result, these applications stand disposed of as above.

Sd/-
B.SUDHEENDRA KUMAR
JUDGE

AMV/27/06/

/TRUE COPY/

P.A.TO JUDGE