

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

Bail Appl..No. 3553 of 2015 ()

CRIME NO. 31/2015 OF NALLALAM POLICE STATION, KOZHIKODE

PETITIONER/ACCUSED:

NIPIN, AGED 20 YEARS,
S/O.KRISHNAN, MUNDAYIL PARAMPIL,
CHALILTHAZHAM,
KAKKODY PO,
KOZHIKODE DISTRICT.

BY ADV. SRI.S.MANU

RESPONDENTS/COMPLAINANTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.

2. THE STATION HOUSE OFFICER,
NALLALAM POLICE STATION, KOZHIKODE DISTRICT-673 027.

BY PUBLIC PROSECUTOR SRI.JOBY JOSEPH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. RAMAKRISHNAN, J.

.....
B.A.No.3553 of 2015
.....

Dated this the 22nd day of July, 2015.

O R D E R

This is an application filed by the third accused in Crime No.31/2015 of Nallalam Police station, Kozhikode for anticipatory under under section 438 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on 10.1.2015 at about 1.30 a.m the accused persons conspired together to attack the house of the defacto complainant and in pursuance to the conspiracy, they trespassed into the property of the defacto complaint and set fire to the car with No. KL 11 AG 987 and also committed mischief causing damage to the window glasses and also glasses of another car with No.KL AK-2199 and thereby all of them have committed the offences punishable under sections 452, 436, 427, 120(B) read with section 34 of the Indian Penal Code.

3. Heard counsel for the petitioner, Public Prosecutor and perused the case diary file.

4. Counsel for the petitioner submitted that the petitioner

has not committed any offence and he is innocent of the same and accused 1 and 2 were already granted bail by the Sessions Court. He is expecting admission for LLB course.

5. The application was opposed by the Public Prosecutor on the ground that investigation is not over.

6. It is seen from the records that the above case was registered on the basis of a statement given by the defacto complainant against unknown persons on the basis of a written complaint given by the defacto complainant before the Sub Inspector of Police, Nallalam. Later, during investigation it was revealed that three persons including the present petitioner had involved in that crime and they were arrayed as accused. It is also seen from the records that accused 1 and 2 were already granted regular bail by the Sessions Court as per the order in CrI.M.C.No.630/2015 and they were released on bail. Considering the gravity of the offence, this Court feels that it is not a fit case to invoke the power under section 438 of the Code of Criminal Procedure to grant anticipatory bail to the petitioner. However that will not prevent the petitioner surrendering before the concerned Magistrate court and moving for regular bail. If such an application is filed, the

Magistrate shall consider that bail application and dispose of the same in accordance with law as far as possible on the date of filing the application itself after hearing the Assistant Public Prosecutor of that court.

With the above directions and observations, this application is dismissed.

Sd/-
K. RAMAKRISHNAN, JUDGE.

/true copy/

P.S to Judge

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