

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

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

Bail Appl..No. 4337 of 2015

CRIME NO. 58/2006 OF PANANGAD POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED :

**VINCY CHERIAN, AGED 71 YEARS,
S/O.LATE CHERIAN, ELENJIKKAL HOUSE,
M/20 CHANGAMPUZHA NAGAR, KALAMASSERY,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.BENHUR JOSEPH MANAYANI
SRI.JEEVAN MATHEW MANAYANI**

RESPONDENT(S) :

- 1. THE SUB INSPECTOR OF POLICE,
PANANGAD POLICE STATION, PANANGAD P.O.,
ERNAKULAM DISTRICT.**
- 2. THE STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

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

Msd.

K. ABRAHAM MATHEW, J.

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B.A.No. 4337 of 2015

Dated this the 22nd day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner was an accused in C.C. No. 676 of 2006 on the file of the Additional Chief Judicial Magistrate, Ernakulam. On his failure to appear, his case was removed to the register of long pending cases, the number being L.P. No. 46 of 2013. He apprehends that he will be arrested pursuant to the execution warrant issued by the court.

3. Heard.

4. He has been absconding for several years. The Supreme Court has held that a proclaimed offender cannot maintain an application under Section 438 of Cr.P.C. This application is not maintainable.

In the result, this application is dismissed.

Sd/-

**K. ABRAHAM MATHEW,
JUDGE**

DST

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P.A. To Judge