

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Bail Appl..No. 5114 of 2015

CRIME NO. 923/2015 OF KALAMASSERY POLICE STATION, ERNAKULAM DISTRICT.
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PETITIONER/6TH ACCUSED:

**ZABOORKHAN @ SANOOP,
AGED 24 YEARS, S/O. ABDUL SALAM,
MOOLAKKAMPILLY HOUSE, AMBADIMOOLA,
KAKKANAD.**

**BY ADVS.SRI.C.D.JOHNY
SMT.MEREENA JOSEPH**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031,
ON BEHLAF OF SUB INSPECTOR OF POLICE,
KALAMASSERY POLICE STATION.**

BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

RAJA VIJAYARAGHAVAN V, J.

B.A.No.5114 of 2015

Dated this the 19th day of October, 2015

O R D E R

This is an application for pre-arrest bail filed under S.438 of the Code of Criminal Procedure.

2. The petitioner herein is the 6th accused in Crime No.923/2015 of Kalamassery police station. The said crime has been registered alleging offence punishable under S.327, 342 r/w.S.34 of the IPC.

3. The allegation is that on 20.07.2015, the accused Nos. 1 to 5 abducted the informant and voluntarily caused hurt to him and also took away a sum of Rs.14,300/- from him and also a mobile phone. The allegation against the petitioner, who is the 6th accused in the crime is that, the car bearing registration No. KL 7 CD 5881, of which, the

petitioner is the owner and driver, was also used for perpetrating the offence and the informant was manhandled while inside the car.

4. I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.

5. The learned counsel appearing for the petitioner has submitted that he is totally innocent of the allegations. He is the owner of a Maruthi Ertiga taxi car and though his car was hired, he was unaware of devious intentions of the accused Nos.1 to 5.

6. The learned Public Prosecutor has vehemently opposed the application seeking pre-arrest bail and has submitted that the statements of the informant as well as the other witnesses reveal that the petitioner had a very active role to play in the act committed by the accused Nos.1 to 5.

7. After having heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor, I do not think that this is a case in which the extraordinary relief of pre arrest bail can be granted. However, the petitioner, if he so desires or is so advised may surrender before the Investigating Officer within ten days from today and in such case, the Investigating Officer shall interrogate the petitioner and thereafter produce the petitioner without delay before the jurisdictional Magistrate, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor.

The application is disposed of as above.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE.**

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[True copy]

P.A to Judge