

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Bail Appl..No. 5259 of 2015 ()

CRIME NO. 762/2007 OF KASARAGOD POLICE STATION, KASARGOD

PETITIONER/ACCUSED NO.1 :

**SHAMSUDDEEN @ SHAMSU, AGED 32 YEARS,
S/O. ABDUL RAHIMAN, PERVAD HOSUE, KUMBALA,
KASARAGOD.**

BY ADV. SRI.S.JIJI

RESPONDENT/STATE :

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

BY PUBLIC PROSECUTOR MR. T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.5259 of 2015

Dated this the 8th day of September, 2015

ORDER

Petitioner is the first accused in Crime No.762 of 2007 of Kasaragod Police Station registered for offences punishable under Sections 143, 147, 148, 341 and 324 and 302 read with Section 149 of the Indian Penal Code. Petitioner, who was enlarged on bail, absconded when the matter was pending in committal proceedings.

2. Heard both sides.

3. Learned counsel for the petitioner submitted that he may be permitted to surrender before the court having jurisdiction. I am of the view that no permission of this Court is necessary to surrender as he is an accused who absconded after obtaining bail. Section 438 of the Code of Criminal Procedure cannot be invoked in favour of such accused persons. I find no reason to invoke jurisdiction of this Court under Section 438 of the Code of Criminal Procedure.

Therefore, the bail application is dismissed.

A. HARIPRASAD, JUDGE.

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