

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 5646 of 2015

CRIME NO. 372/2007 OF NILAMBUR POLICE STATION, MALAPPURAM

PETITIONER(S):

**BICHU @ BABU, AGED 36 YEARS,
S/O.BAVA, PONNEATH (H), CHEATHALLUR P.O.,
PALAKKAD - 678 583.**

BY ADV. SRI.LAVARAJ M.G.

RESPONDENTS:-:

- 1. DEPUTY POLICE SUPERINTENDENT,
PERINTHALMANNA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. DEPUTY POLICE SUPERINTENDENT,
SHORNUR, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A.No.5646 of 2015

Dated this the 30th day of October, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the 20th accused in Crime No.372 of 2007 of Nilambur Police Station registered for the offences punishable under Sections 120(b), 364 and 395 of the Indian Penal Code, seeks pre-arrest bail.

3. Prosecution case is that on 15.07.2007 at about 07.30 p.m., at a place Kuttikode, falling within the Cheruplassery Police Station limit, the accused persons followed a bus in which 2 persons were travelling with gold bars. The accused persons were armed with deadly weapons and the accused dragged out the defacto complainant and snatched away 11 gold bars weighing 1 kg and currency notes worth ₹10,000/-

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner has no connection with the incident. He was impleaded much after the incident. There is inordinate delay in filing the F.I.S.

6. Learned Public Prosecutor opposed the bail

application. According to her, there are enough materials to indicate the overt act played by each accused including the petitioner.

7. Considering the nature of allegations, I am not inclined to grant anticipatory bail to the petitioner.

The petitioner shall surrender before the Investigating Officer within a period of 'one week' from today and submit himself for interrogation. The Investigating Officer shall produce him before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioner is free to move for bail before the learned Magistrate and in that event, the learned Magistrate may consider the application on merits if possible on the date of surrender itself. If he does not surrender as directed, the Police is free to arrest him.

Sd/-

A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge