

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Bail Appl..No. 6007 of 2015

CRIME NO. 390/2015 OF ADHUR POLICE STATION , KASARAGOD DISTRICT

PETITIONER(S)/ACCUSED :

**SHAFFI, AGED 22 YEARS,
S/O.ABDULLA, GALIMUKHAM, NETTANIGE,
MUNDOOR VILLAGE, PUTHUR TALUR, KASARAGOD DISTRICT.**

BY ADV. SMT.REENA ABRAHAM

RESPONDENT(S)/COMPLAINANTS :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
ADHUR POLICE STATION, ADHUR, KASARAGOD-671 531.**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A No.6007 of 2015

Dated this the 6th day of October, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.390/2015 of Adhur Police Station registered for offences punishable under Sections 341, 353 and 506(i) r/w Section 34 I.P.C.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. Prosecution case, in short, is that on 15-09-2015 at about 11.45 p.m., the petitioner was found in a suspicious state by the side of a public road passing through the forest area. Forest Officer, feeling suspicion questioned about the presence of the petitioner. At that time, the petitioner threatened the Officer to do away with and obstructed in discharge of his duty.

5. Learned counsel for the petitioner contended that going by the allegation in the case diary, the offence under Section 353 I.P.C is not made out. Learned Public Prosecutor

opposed the bail application. I have gone through the material portions in the case diary which show that the petitioner was prima facie involved in the alleged offence. I find no reason to grant pre-arrest bail to the petitioner. Hence, following directions are issued :

The petitioner shall surrender before the Investigating Officer within a period of one week from today and submit himself for interrogation. Thereafter, he shall be produced before the learned Magistrate having jurisdiction on the same day. The petitioner is free to move for regular bail before the court below. In that event, the application shall be considered on merits as expeditiously as possible. If petitioners do not surrender in the stipulated time, the Investigating Officer is free

*to arrest him as if no order is passed in this
matter.*

Sd/-
**A.HARIPRASAD,
JUDGE.**

//True copy//

P.A to Judge

amk