

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Bail Appl..No. 6097 of 2015 ()

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CRIME NO. 630/2015 OF KUMALY POLICE STATION.**

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PETITIONER/ACCUSED:

**MUHAMMED RAFFI, AGED 33 YEARS,
S/O.KAJA MAIDEEN, ANISHA FATHIMA MANZIL,
ROSSAPPOKKANADAM KARA, KUMILY VILLAGE,
PEERMADE TALUK, IDUKKI DISTRICT.**

**BY ADVS.SRI.C.M.TOMY,
SRI.MATHEW SKARIA,
SRI.MANU TOM.**

RESPONDENT(S):

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

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A No.6097 of 2015

Dated this the 14th day of October, 2015.

ORDER

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

2. Petitioner is the accused in Crime No.630 of 2015 of Kumaly Police Station registered for an offence punishable under Section 353 I.P.C.

3. Prosecution case, in short, is that on 11-08-2015 at about 8.45 p.m., the petitioner drew a car through the commercial tax Check Post at Kumaly and when he was asked to stop the vehicle, he ignored the signal and caused damage to the barricades and fled away causing injury to the Officer on duty.

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

5. Learned counsel for the petitioner contended that the incident put forward by the prosecution is a false version. There was no incident as alleged by the prosecution. Learned Public Prosecutor referring to the materials in the case diary submitted that identity of the petitioner could be revealed from the particulars of the vehicle. Further, one Officer sustained injury in the incident. Learned Sessions Judge has dismissed the application for pre-arrest bail. Considering the entire facts and circumstances, I am not inclined to grant pre-arrest bail to the petitioner. Therefore, 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 petitioner does not surrender in the stipulated time, the Investigating Officer is free to arrest him as if no order is passed in this matter.

amk

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

P.A to Judge