

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

Bail Appl..No. 6112 of 2015

**CRIME NO. 1241/2015 OF MAVELIKKARA POLICE STATION ,
ALAPPUZHA DISTRICT**

PETITIONER(S)/2ND ACCUSED :

**KIBRO FRANCIS, AGED 19 YEARS,
S/O.LATE FRANCIS, MANJADIYIL HOUSE, KALLUMALA P.O.,
MAVELIKKARA.**

BY ADV. SMT.ASHA ELIZABETH MATHEW

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.6112 of 2015

Dated this the 18th day of November, 2015

ORDER

Second accused in Crime No.1241 of 2015 of Mavelikkara Police Station registered alleging offences punishable under Sections 20(b) (ii)A and 22(c) of the Narcotic Drugs and Psychotropic Substances Act seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure.

2. Prosecution case is that on 06.08.2015 by 11.30 p.m., the Police intercepted the motor cycle driven by the first accused and on examination of his body, five ampules of buprenorphine injection and 22 grams of ganja could be detected. At the time when the vehicle was intercepted, second accused ran away. According to the prosecution, petitioner is the person who sat on the pillion of the motor cycle.

3. Heard both sides.

4. Learned Prosecutor opposed the bail application. It is contended with reference to the case diary that the confession of the first accused clearly revealed the complicity of the petitioner.

5. Learned counsel per contra contended that the petitioner was not the person who allegedly ran away on seeing the Police party. However, considering the nature of allegations, I am not inclined to grant

pre-arrest bail to the petitioner. Hence the following order:

In the event the petitioner surrenders before the investigating officer within a period of two weeks from today, he shall be produced before the learned Magistrate having jurisdiction on the date of surrender itself. In that event, he is free to move for bail and the learned Magistrate shall consider the application on merits and pass appropriate orders as expeditiously as possible, if possible on the date of surrender itself. If petitioner does not surrender before the investigating officer within the said time, the investigating officer is free to arrest him, as if no order is passed in this case.

Application is disposed of.

A. HARIPRASAD, JUDGE.

cks