

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.HARIPRASAD

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

Bail Appl..No. 6221 of 2015 ()

CRIME NO. 939/2015 OF AYIROOR POLICE STATION, THIRUVANANTHAPURAM

PETITIONER(S)/SOLE ACCUSED:

RIYAS, AGED 36 YEARS,
S/O. BASHEER, REEJA MANZIL, KALAKKODE P.O.
POOTHAKKULAM VILLAGE, KOLLAM TALUK, KOLLAM DISTRICT.

BY ADV. SMT.MINI GANGADHARAN

RESPONDENT(S)/STATE & COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 31.

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
09-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Pn

A.HARIPRASAD, J.

B.A.No.6221 of 2015

Dated this the 9th day of October, 2015

ORDER

Bail application filed under Sec.438 Cr.P.C.

2. The petitioner is the accused in Crime No.939 of 2015 of Ayiroor Police Station registered under Sections 279, 304 (A) (2) of IPC and 134(a) of the Motor Vehicles Act.

3. The prosecution case is that, on 23.09.2015 at 15.45 hours, the petitioner drove a private bus through a public road knowing fully well that his dangerous driving could endanger human lives. Due to the reckless driving, one person lost his life.

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

5. The learned counsel for the petitioner submitted that, there is no ingredient to attract an offence under Section 304 IPC and it is a case of simple road accident attracting an offence under Section 304A of IPC.

6. The learned Public Prosecutor opposed the bail application.

7. Considering the gravity of offence, following directions are issued :

The petitioner shall surrender before the investigating officer within a period of one week and submit himself for interrogation. Thereafter, the investigating officer shall produce the petitioner before the learned Magistrate having jurisdiction on the date of surrender itself. The petitioner is free to move for bail before the learned Magistrate. In that event, the learned Magistrate shall consider the bail application on merits as expeditiously as possible, if possible on the date of surrender itself.

Sd/-

A.HARIPRASAD, JUDGE

AV

/True Copy/

P.A to Judge