

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

Bail Appl..No. 6626 of 2015

CRIME NO. 2950/2015 OF CHERTHALA POLICE STATION, ALAPPUZHA DISTRICT.
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PETITIONER/ACCUSED:

**SABU.J, AGED 42 YEARS,
MADAKKATTU HOUSE,
KOKKOTHAMANGALAM P.O,
CHERTHALA.**

BY ADV. SRI.JOBY CYRIAC

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.6626 of 2015

Dated this the 3rd day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Cherthala Police Station Crime No.2950 of 2015 registered under Section 332 of the Indian Penal Code. Prosecution case is that the petitioner drove a motor cycle on 27.09.2015 and he had consumed liquor at the time of riding the vehicle. Defacto complainant is the Additional Sub Inspector engaged in traffic duty. When the defacto complainant stopped the vehicle and asked the petitioner to go for a breath analyser test, he physically pushed the defacto complainant which caused a fall.

3. Heard both sides.

4. Learned counsel for the petitioner submitted that the petitioner is not involved in any offence earlier. Police is likely to harass him in connection with this offence.

5. Learned Prosecutor strongly opposed the bail application. According to the Prosecutor, apart from the statement of the defacto complainant, other statements of witnesses show the complicity of the

petitioner in the crime. Identity of the petitioner was revealed at the time of offence.

Considering the nature of offence, I am not inclined to grant pre-arrest bail to the petitioner. In the event the petitioner surrenders before the Magistrate having jurisdiction within a period of one week, he is at liberty to file regular bail application. In that event, the learned Magistrate shall consider the plea for bail as expeditiously as possible, if possible on the date of surrender itself.

Application is disposed of.

A. HARIPRASAD, JUDGE.

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