

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Bail Appl..No.6682 of 2014

CRIME NO.13/2014 OF PAYANGADI POLICE STATION,KANNUR.

..

PETITIONER/ACCUSED NO.6:

**SANTHOSH,AGED 29 YEARS,S/O.SAROJINI,
449(10/480),PANDARAVALLAPPIL,9,
RAMANTHALI,PAYYANNUR,KANNUR.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENT'S/STATE:

- 1. STATE OF KERALA,REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM - 682 031.
(CRIME NO.13/2014 OF PAYANGADI POLICE STATION,
KANNUR DISTRICT.)**
- 2. STATION HOUSE OFFICER,PAYANGADI POLICE STATION,
KANNUR DISTRICT - 670 303
(CRIME NO.13/2014 OF PAYANGADI POLICE STATION,
KANNUR DISTRICT).**

BY PUBLIC PROSECUTOR SRI.N.SURESH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.SUDHEENDRA KUMAR, J.

Bail Application No.6682 of 2014

Dated this the 25th day of June 2015

O R D E R

The petitioner is the 6th accused in crime No.13 of 2014 of Payangadi Police Station registered under Sections 341, 323, 324, 326, 307 and 120B read with Section 34 I.P.C. The petitioner has filed this application praying for the relief under Section 438 Cr.P.C.

2. Heard.

3. The learned Public Prosecutor has submitted that the final report has been already filed by the police before the court after completing the investigation. The learned counsel for the petitioner has submitted that since no overt act is alleged against the petitioner, the petitioner is entitled to be granted the relief under Section 438 Cr.P.C. The learned Public Prosecutor has fairly

conceded that no overt act is alleged against the petitioner. However, since the final report has been already filed, the question of apprehension of arrest by the respondents does not arise at all. In the said circumstances, I am not inclined to allow this application.

In the result, this application stands dismissed. However, the petitioner shall be at liberty to surrender before the court concerned within 10 days and apply for regular bail, if so advised. If the petitioner surrenders before the court and applies for regular bail, after giving copy of the bail application in advance to the learned Assistant Public Prosecutor, the court concerned shall consider and dispose of the application for bail, in accordance with law, as expeditiously as possible, preferably on the date of filing itself.

Sd/- B.SUDHEENDRA KUMAR,
JUDGE

dl

/true copy/

P.S. to Judge