

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Bail Appl..No. 7104 of 2015 ()

CRIME NO. 721/2013 OF KANNUR TOWN POLICE STATION, KANNUR DISTRICT

PETITIONER/ACCUSED NO.1 :

**T.P. MUHAMMED, AGED 35 YEARS
THANNIPANTHAKKAL HOUSE, KEEZHOOOR P.O.,
IRITTY, KANNUR-670 703.**

BY ADV. SRI.P.U.SHAILAJAN

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY THE STATION HOUSE OFFICER
KANNUR TOWN POLICE STATION, KANNUR DISTRICT
THROUGH 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 17-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A. No.7104 of 2015

Dated this the 17th day of November, 2015

ORDER

Petitioner seeks relief under Section 438 of the Code of Criminal Procedure. He is accused in C.C.No.1373 of 2013 pending before the Judicial First Class Magistrate Court-I, Kannur wherein offences under Sections 406 and 420 read with Section 34 of the Indian Penal Code have been alleged.

2. Heard both sides.

3. Petitioner is an absconding accused. The jurisdiction under Section 438 of the Code of Criminal Procedure cannot be invoked in such matters. Therefore the petitioner shall surrender before the court concerned and move for regular bail. In that event, the learned Magistrate shall consider the application on merits as expeditiously as possible, if possible on the date of surrender itself.

Application is disposed of.

A. HARIPRASAD, JUDGE.