

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

Bail Appl..No. 7330 of 2015

CRIME NO. 612/2015 OF SHORNUR POLICE STATION, PALAKKAD DISTRICT.

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PETITIONER/ACCUSED:

**RATHEESH P.P., S/O. RAGHAVAN,
AGED 32 YEARS, PADALAYIL PARAMBIL HOUSE,
KALLADY P.O., MALAPPURAM DISTRICT.**

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE,
SHORNUR POLICE STATION.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

Bail Appl. No.7330 of 2015

Dated this the 4th day of December 2015

ORDER

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

2. Petitioner apprehends arrest in Crime No.612 of 2015 of Shornur Police station registered for the offences punishable under Secs.454 and 380 of the Indian Penal Code.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. Learned counsel for the petitioner submitted that, the learned Sessions Judge, as per Annexure A3 order, declined to allow the bail application stating that his complicity in the offence was revealed.

5. Learned Public Prosecutor, on instructions, submitted that the petitioner is only a suspect and not made an accused in this case.

Since the petitioner is not an accused in a non bailable offence, the extra ordinary jurisdiction under Sec.438 Cr.P.C. cannot be invoked. The bail application is

closed in terms of the submission of the learned Public Prosecutor. In case, the petitioner is made an accused, before proceeding with the matter, a notice under Sec.41A Cr.P.C. shall be issued to him.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/04/12/2015

P.A. To Judge