

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Bail Appl..No. 7778 of 2015

CRIME NO. 299/2004 OF VADAKKEKAD POLICE STATION, THRISSUR DISTRICT.
.....

PETITIONER/4TH ACCUSED:

**NOUSHAD,
S/O.MOMUNNY @ MONUUNY,
AGED 35 YEARS, RAYAMRAKKAR VEETIL,
PILLAKKAD DESOM, CHITTANJOOR,
KUNNMAKULAM.**

**BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN**

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.7778 of 2015

Dated this the 17th day of December, 2015

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the 4th accused in Crime No.299 of 2004 of Vadakkekad Police Station registered for offences punishable under Sections 143, 147, 148, 452, 323, 324, 326, 506(ii), 427 and 307 r/w Section 149 I.P.C.

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

4. Learned counsel for the petitioner submitted that he is prepared to surrender before the court. Learned Public Prosecutor opposed the bail application. The crime was registered in the year 2004 and charge was filed on 03-10-2007. The matter is now pending in C.P No.4/2011 on the file of Judicial First Class Magistrate Court, Kunnamkulam. The jurisdiction of this Court under Section 438 Cr.P.C could not to be invoked in such cases.

Hence, following directions are made :

*The petitioner shall surrender before the court
concerned and move for bail. In that event,
the court shall consider the matter
expeditiously and pass appropriate orders*

amk

Sd/-
A.HARIPRASAD,
JUDGE.

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P.A TO JUDGE