

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Bail Appl..No. 7871 of 2015

CRIME NO. 1449/2015 OF PARAPPANGADI POLICE STATION, MALAPPURAM
.....

PETITIONER(S)/ACCUSED:

**SAYYID ANSARI, AGED 36 YEARS,
S/O.MUHAMED, MUTHIRIVEETIL HOUSE,
KADALUNDI NAGARAM P.O., TIRURANGADI TALUK,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN
SMT.UMMUL FIDA**

RESPONDENT(S)/STATE AND COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE,
PARAPPANANGADI POLICE STATION, MALAPPURAM DISTRICT.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
21-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A No.7871 of 2015

Dated this the 21st day of December, 2015.

ORDER

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

2. Petitioner apprehends arrest in Crime No.1449 of 2015 of Parappanangadi Police Station registered for offences punishable under Section 379 I.P.C and Sections 20 and 23 of Kerala Protection of River Banks and Regulation of Removal of Sand Act.

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

4. Learned Public Prosecutor on instruction submitted that the petitioner is not made an accused as of now in the above crime. He is only a suspect. Therefore, jurisdiction under Section 438 Cr.P.C cannot be invoked in this case. If petitioner is made an accused the Investigating Officer shall issue notice to the petitioner under Section 41A Cr.P.C in this matter.

With this observation, the bail application is closed.

Sd/-
A.HARIPRASAD,
JUDGE.