

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

Crl.MC.No. 1038 of 2015 ()

**-----
CRMP 401/2015 of SESSIONS COURT, ALAPPUZHA
CRIME NO. 134/2015 OF CHERTHALA POLICE STATION , ALAPPUZHA DISTRICT
=====**

PETITIONER/ACCUSED:

**SAJI KURIAKOSE, AGED 48 YEARS
S/O. P.K. KIRUAKOSE, PUNNACKAL HOUSE
MARUTHORVATTOM P.O., CHERTHALA
ALAPPUZHA DISTRICT**

**BY ADVS.SRI.ANIL S.RAJ
SMT.K.N.RAJANI
SRI.RADHIKA RAJASEKHARAN P.**

RESPONDENTS/ACCUSED & STATE:

**STATE OF KERALA, REPRESENTED BY THE
INSPECTOR OF POLICE, CHERTHALA
POLICE STATION THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF
KERALA, KOCHI-31**

BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CR.M.C. NO.1038/2015

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE A1 COPY OF THE COMPLAINT

ANNEXURE A2 COPY OF ORDER IN CrI.M.P.No.401/2015

RESPONDENT'S EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1038 of 2015

Dated this the 19th day of February, 2015

O R D E R

The petitioner herein is the accused in a crime involving the offence under Section 419 IPC, and under Section 66B of the Information Technology Act. His application for pre-arrest bail under Section 438 Cr.P.C. was disposed of by the learned Sessions Judge, Alappuzha on 13.02.2015 with direction to surrender before the investigating officer. The learned Sessions Judge also directed the investigating officer to produce the accused before the learned Magistrate having jurisdiction on the date of arrest itself, and also directed the learned Magistrate to consider the application for bail in accordance with law. There is another direction that if application for police custody on the ground of necessity of custodial interrogation is made by the investigating officer, the same shall also be considered without delay by the learned Magistrate. The petitioner's grievance is that the learned Sessions Judge has observed in the bail order that custodial interrogation is necessary to find out the truth

behind the complaint. Such an observation is not unauthorised or unwarranted. Necessity of custodial interrogation is a ground on which this Court or the Court of Sessions can reject the request for pre-arrest bail. If the Court of Session finds the necessity of custodial interrogation of the accused on a perusal of the case diary, there is nothing wrong in it, and such observation does not require any interference by this Court. The learned counsel for the petitioner lastly made a request that there may be a direction to the court below to dispose of the application on the date of filing itself. This request is quite genuine. Such a direction is not there in the orders passed by the learned Sessions Judge. Accordingly, the learned Magistrate is hereby directed that in case application for bail is filed on surrender, or on production by the police on arrest, the request for bail shall be considered and decided judiciously on the date of filing of application itself.

This Crl.M.C. is accordingly closed.

Sd/-

P. UBAID, JUDGE

sd