IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

MONDAY, THE 29TH DAY OF JULY 2024 / 7TH SRAVANA, 1946

BAIL APPL. NO. 4431 OF 2024

CRIME NO.128/2024 OF PARAPPANGADI POLICE STATION, MALAPPURAM

PETITIONER:

NIHAL,
AGED 21 YEARS
S/O SHAJAHAN,NELLIKATHODI,
ULLANAM NORTH POST,PARAPPANANGADI,
MALAPPURAM, PIN - 676303

BY ADVS. S.RAJEEV
V.VINAY
M.S.ANEER
PRERITH PHILIP JOSEPH
ANILKUMAR C.R.
K.S.KIRAN KRISHNAN
NOURIN S. FATHIMA

RESPONDENTS:

1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

2 STATION HOUSE OFFICER,
PARAPPANANGADI POLICE STATION,
(CRIME NO 128/2024 OF PARAPPANANGADI POLICE STATION,
MALAPPURAM DISTRICT), PIN - 676303

OTHER PRESENT:

SR PP SMT SEETHA S

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Dated this the 29th day of July, 2024

O R D E R

The application is filed under Section 438 of the Code of Criminal Procedure, 1973, for an order of pre-arrest bail.

2. The petitioner is the accused in Crime No.128/2024 of the Parappanangadi Police Station, Malappuram, which is registered against him for allegedly committing the offence under Section 376(2)(n) of the Indian Penal Code, 1860.

3. Heard; Sri. S. Rajeev, the learned counsel appearing for the petitioner and Smt. Seetha S., the learned Senior Public Prosecutor.

4. The learned Public Prosecutor, on instructions, submitted that since the petitioner was absconding, the Investigating Officer has filed an absconding charge sheet before the jurisdictional court, and the case has been numbered as

C.P.No.42/2024. The said submission is recorded.

5. In ***Vineeth Somarajan @ Ambadi v. State of Kerala & Anr.*** [2009(3)KHC 471], this Court has categorically held that, once the final report has been filed, it is always desirable for the accused to move the jurisdictional Court and apply for regular bail.

6. In the light of the above exposition of law, I am of the view that, this bail application is only to be dismissed, by reserving the right of the petitioner to move the jurisdictional Court.

Resultantly, the application is dismissed, without prejudice to the right of the petitioner to move the jurisdictional Court for regular bail.

Sd/-

C.S.DIAS,JUDGE

DST/29.07.24

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P.A. To Judge