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. 5988 OF 2024

CRIME NO.286/2024 OF KALLOORKADU POLICE STATION, ERNAKULAM

PETITIONERS:

1 BABY VARGHESE
AGED 51 YEARS
S/O VARGHESE, MEKKUZHIKKATTU,
THAZHUVAMKUNNU, KALLOORKKAD,
ERNAKULAM, PIN - 686665

2 THOMAS JOHN
AGED 77 YEARS
S/O. LATE JOHN, KAPPIYARUMALAYIL HOUSE, THAZHUVAMKUNNU,
KALLOORKKAD, ERNAKULAM,
PIN - 686665

BY ADVS. JOHNSON MANAYANI
JEEVAN MATHEW MANAYANI

RESPONDENTS:

1 MERCY
W/O JIJI ABRAHAM, THOTTIYIL HOUSE,
THAZHUVAMKUNNU P.O, KALLORKAD, MUVATTUPUZHA,
PIN - 686668

2 DISTRICT SUPERINTENDENT OF POLICE (RURAL)
POWER HOUSE JUNCTION, SUB JAIL ROAD, ALUVA,
PIN - 683101

3 THE DEPUTY SUPERINTENDENT OF POLICE
OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
MUVATTUPUZHA, PIN - 686661

4 THE STATION HOUSE OFFICER
KALLOORKAD POLICE STATION,
KALLOORKAD P.O., ERNAKULAM, PIN - 686668

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

OTHER PRESENT:

SR PP SRI C S HRITHWIK

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 petitioners are the accused Nos.1& 2 in Crime No.286/2024 of the Kallorkadu Police Station, Ernakulam, which is registered against the accused for allegedly committing the offences under Sections 354, 323, 294(b) & 447 read with Section 34 of the Indian Penal Code, 1860*(in short, 'IPC')*.

3. Heard; Sri. Johnson Manayani, the learned counsel appearing for the petitioners and Sri. C. S. Hrithwik, the learned Senior Public Prosecutor.

4. The learned Public Prosecutor, on instructions, submitted that the only non-bailable offence i.e., Section 354 of the IPC has been deleted by the Investigating Officer. A report to the said effect

has been filed before the jurisdictional court. The said submission is recorded.

5. In the light of the above submission, I am of the view that, this bail application is unsustainable in law, since there is no non-bailable offence.

Resultantly, the application is closed, reserving the right of the petitioners to work out their remedies in accordance with law.

Sd/-

C.S.DIAS,JUDGE

DST/29.07.24

//True copy//

P.A. To Judge