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Abdul Arshad Vs. State of Kerala

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Court : Kerala

Decided On : Feb-28-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Abdul Arshad

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY,THE28H DAY OF FEBRUARY20149TH PHALGUNA, 1935 Bail Appl..No. 1234 of 2014 ---------- CRIME NO. 416/2011 OF AMBALAPPUZHA POLICE STATION , ALAPPUZHA ---------- PETITIONERS/ACCUSED NO.NOT KNOWN: ---------- 1. ABDUL ARSHAD, S/O. SAYEED MUHAMMED, AGED36 KANJIRAKKAPALLIL HOUSE, UDAYANAPURAM P.O., VAIKOM, KOTTAYAM.

2. KUNHI MOHAMMED, S/O. KUNHALAN, AGED45 POOVATHUMTHODI HOUSE, VATTALLOOR, KURUVA, PERINTHALMANNA, MALAPPURAM.

3. GEORGE ALEXANDER, S/O.E.M. ALEXANDER, AGED56 IDUVAMPARA MUNDANA, PURAMATTOM P.O. PATHANAMTHITTA.

4. P.KRISHNA DAYAL, S/O. BALAKRISHNAN NAIR, AGED42 CHANGARAMKANDATH HOUSE, ARIMPOOR P.O, THRISSUR.

5. NOUSHAD, S/O. SAYEED MUHAMMED, AGED32 KANJIRKKAPALLIL HOUSE, UDAYANAPURAM P.O, VAIKOM, KOTTAYAM.

6. MAYA K.P. D/O. PARAMESWAEAN, AGED27 KONALIL HOUSE, T.V. PURAM, VAIKOM, KOTTAYAM.

7. BEENA K.E. W/O. GOPINATHAN, AGED36 KODUVARATHODI HOUSE, VILAVATTOM, THRISSUR.

8. NIJI K. MAJEED, D/O. MAJEED, AGED32 KADAVIMADOM HOUSE, SUJATHA ROAD, THOOPUMPADI, ERNAKULAM. PJ ....2/- ..2.. Bail Appl..No. 1234 of 2014 ---------- 9. JISHA BAIJU W/O. BAIJU, AGED32 KOTTAYI HOUSE, CHARAMANGALAM, MAYITHARA POST, CHERTHALA. BY ADVS.SRI.ANIL XAVIER SRI.M.RISHIKESH SHENOY SMT.O.K.DEEPAMOL SRI.S.NIDHEESH RESPONDENT/COMPLAINANT: ---------- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2802-2014, ALONG WITH BA.NO.1235/2014 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ THOMAS P.JOSEPH, J.

========== B.A. Nos.1234, 1235, 1236, 1237, 1238, 1239 and 1240 of 2014 ==========
Dated this the 28th day of February, 2014

ORDER

Petitioners apprehend arrest by the CBCID in Crime Nos.545/CR/KLM, 549/CR/KLM, 547/CR/KLM, 386/XCR/KLM, 384/CR/KLM, 396/CR/EOW-I/KLM and 800/CR/KLM, respectively, for the offences punishable under Section 420 of the Indian Penal Code and Secs. 3 and 4 of the Prize Chits and Money Circulation (Banning) Act, 1978 and have filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that by Annexure-V, order dated 30.09.2013 in B.A. No.6237 of 2013 and connected

applications this Court found that request for pre-arrest bail cannot be allowed having regard to the relevant circumstances but directed the petitioners to appear before the Investigating Officer or the court concerned and seek regular bail.

3. Learned counsel submitted that later the petitioners were issued notice under Section 41A of the Code of Criminal Procedure and their statements were recorded.

4. Latest of the order passed by this Court in the matter is B.A. No. 1234 of 2014, etc. -:

2. :- order dated 30.09.2013 in B.A. No.6237 of 2013 and connected cases. While those applications were disposed of, Annexure-IV, order in the applications was not brought to the notice of this court. Being later on point of time, the order dated 30.09.2013 in B.A. No.6237 of 2013 and connected cases should stand. Hence the request for pre-arrest bail cannot be allowed. At the same time previous orders passed by this court cannot be ignored. Proper course open to the petitioners is to surrender before the Officer who has investigated the case and in case the petitioners are arrested, they shall be produced before the jurisdictional magistrates the same day. The applications are disposed of as under: (i) Petitioners shall surrender before the Officer(s) investigating the aforesaid crime cases on 06.03.2014 at 10.00 a.m. for interrogation. (ii) In case interrogation is not completed on that day, it is open to the Officer concerned to direct presence of the petitioners on other day/days and time as may be specified by him which the petitioner shall comply. (iii) After questioning the petitioners if they are arrested, they shall be produced before the jurisdictional magistrates the B.A. No. 1234 of 2014, etc. -:

3. :- same day. (iv) On such production it is open to the petitioners to move application for bail with intimation to the Assistant Public Prosecutor at least three working days in advance. (v) If for any reason custody of the petitioners is required, it is open to the Officer(s) investigating the case to move application for that purpose. (vi) Learned magistrate shall consider the application(s) on its merit as per the law and pass orders as early as possible bearing in mind the spirit of Annexure-A4, order passed by this Court as well. THOMAS P.JOSEPH, JUDGE.

VSV

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