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Shibu vs State of Kerala

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Court : Kerala Orders

Decided On : Aug-01-2024

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Bail Appl./5590/2024

Appellant : SHIBU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS THURSDAY, THE 1ST DAY OF AUGUST 2024 / 10TH SRAVANA, 1946 BAIL APPL. NO. 5590 OF 2024 CRIME NO.NOT KNOWN/2024 OF KANHANGAD POLICE STATION, KASARGOD PETITIONERS/ACCUSED: 1 SHIBU AGED 45 YEARS S/O SADASIVAN, KAILASH BHAVAN HOUSE, ALAIKUNNU, ACHIKKANAM P.O., MADIKAI, AMBALATHARA, KASARAGOD, PIN - 671531 2 NIMISHA, AGED 38 YEARS W/O SHIBU, THATTAPPARAMPIL. PAYATTUCHALU NEDIYENGA VILLAGE, KANNUR DISTRICT, PIN - 670632 JOHN MATHEW (THEREZHATH) RESPONDENTS/COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM, PIN - 682031 2 THE STATION HOUSE OFFICER KANHANGAD POLICE STATION,

KANHANGAD P.O., KASARAGOD DISTRICT, PIN - 671 315., PIN - 671315 SRI. C. S. HRITHWIK - SENIOR PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01.08.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 1st day of August, 2024 The application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS), for an order of pre-arrest bail.

2. The petitioners apprehend arrest by the Hosdurg

Police Station which falls within the territorial jurisdiction of Kanhangad Police Station, Kasaragod in an unknown crime for allegedly committing a non bailable offence.

3. Heard; Sri. John Mathew Therezhath, 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, as on today there is no crime registered against the petitioners by the said Police Station, as alleged in the bail application. The said submission is recorded. In the light of the above submission, the bail application is closed. It is made clear that, if the presence of the petitioners are required by Kanhangad Police Station with regard to the allegations made in the bail application, they shall be issued with a notice under Section 35(3) of the BNSS, if the offence alleged against them is punishable for less than seven years. Sd/- C.S. DIAS JUDGE BR

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