
(2011) 04 KL CK 0082

In the High Court Of Kerala

Case No : Bail Application No. 2747 of 2011

Ramesan, Mahindran and Thankachan Paul

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 11-04-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 294, 332, 34, 353

Citation : (2011) 04 KL CK 0082

Hon'ble Judges : V. Ramkumar, J

Bench : Single Bench

Advocate : George Sebastian, for the Appellant; No Appearance, for the Respondent

Judgement

V. Ramkumar, J.—Petitioners who are accused Nos. 2, 3 and 1 respectively in Crime No. 109 of 2011 of Koothattukulam Police Station, Ernakulam District for offences punishable under Sections 353, 332 and 294(b) read with Section 34 I.P.C. seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. After evaluating the factors and parameters which are to be taken into consideration in the light of paragraph 122 of the verdict of the Apex Court in Siddharam Satlingappa Mhetre v. State of Maharashtra and Ors. (2010 (4) KLT 930), I am of the view that anticipatory bail cannot be granted in a case of this nature, since the investigating officer has not had the advantage of interrogating the Petitioners. But at the same time, I am inclined to permit the Petitioners to surrender before the Investigating Officer for the purpose of interrogation and then to have their application for bail considered by the Magistrate or the Court having jurisdiction. Accordingly, the Petitioners are directed to surrender before the investigating officer on 25-04-2011 or on 26-04-2011 for the purpose of interrogation and recovery of incriminating material, if any. In case the investigating officer is of the view that having regard to the facts of the case arrest of the Petitioners is imperative he shall record his reasons for the arrest in

the case-diary as insisted in paragraph 129 of Siddharam's case (supra). The B.A. No. 2747 of 2011. Petitioners shall thereafter be produced before the Magistrate or the Court concerned and permitted to file an application for regular bail. In case the interrogation of the Petitioners is without arresting them, the Petitioners shall thereafter appear before the Magistrate or the Court concerned on the same day or the next day and apply for regular bail. The Magistrate or the Court on being satisfied that the Petitioners have been interrogated by the police shall, after hearing the prosecution as well, consider and dispose of their application for regular bail preferably on the same date on which it is filed.

4. In case the Petitioners while surrendering before the Investigating Officer have deprived the investigating officer sufficient time for interrogation, the officer shall complete the interrogation even if it is beyond the time limit fixed as above and submit a report to that effect to the Magistrate or the Court concerned. Likewise, the Magistrate or the Court also will not be bound by the time limit fixed as above if sufficient time was not available after the production or appearance of the Petitioners .

This petition is disposed of as above.

Dated this the 11th day of March, 2011.