

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 29TH DECEMBER 2006 / 8TH POUSHA 1928

Bail Appl.No. 7514 of 2006()

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Crime No.1212/06 of Kottarakkara Police Station

: PETITIONERS/ACCUSED  
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1. SANTHOSH,  
SATEESH BHAVAN, KARIKKAM P.O., KOTTARAKKARA.
2. JOBY,  
PLAVILA VADAKKETHIL, VETTIKAVALA P.O.,  
KOTTARAKKARA.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS: STATE  
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1. STATE OF KERALA, REPRESENTED BY  
THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.
2. STATION HOUSE OFFICER,  
KOTTARAKKARA POLICE STATION.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 29/12/2006, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**M.N.Krishnan, J.**

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**B.A.No.7514 of 2006**

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**Dated this the 29<sup>th</sup> day of December, 2006.**

**ORDER**

This is an application for bail involving under Section 332, 3419b) and 294(b) read with Section 34 I.P.C. The allegation is that a K.S.R.T.C. bus was obstructed and the driver was caught hold of and man-handled by the petitioner and others. The provision under Section 438 of Cr.P.C. is a benevolent provision intended to safeguard the innocent not to circumvent the law and procedure. Considering the nature of the offences, I am not inclined to grant bail under Section 438. But if the petitioners surrender before the Magistrate Court, the learned Magistrate is directed to consider the application to be filed by the petitioner as far as possible on the same date on which it is filed and pass orders untrammelled by the observations made in this order.

This application is dismissed.

M.N. Krishnan,  
Judge.

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