

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 28TH FEBRUARY 2011 / 9TH PHALGUNA 1932

Bail Appl.No. 1261 of 2011()

CRIME NO.26/2011 OF ENATHU POLICE STATION

PETITIONERS: ACCUSED 1 AND 2

1. SIJU S. RAJU, SIJU VILLA,
KULAKADA.P.O, KOTTARAKKARA.
2. RATHEESH, SOBHA MANDIRAM,
KULAKADA.P.O, KOTTARAKKARA.

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT: COMPLAINANT AND STATE

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING STATION HOUSE OFFICER,
ENATHU POLICE STATION, PATHANAMTHITTA DISTRICT.

PUBLIC PROSECUTOR SRI.C.S.HIRTHWIK

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 28/02/2011, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.RAMKUMAR, J.

Bail Application No.1261 of 2011

Dated this the 28th day of February, 2011

ORDER

The learned Public Prosecutor submitted that Section 308 I.P.C. has since been deleted and surviving offences are bailable offences. If so invocation of Section 438 Cr.P.C. at this stage is misconceived. Accordingly, this petition is disposed of without prejudice to the right of the petitioners to seek regular bail from the Magistrate concerned.

Dated this the 28th day of February, 2011.

V.RAMKUMAR, JUDGE

skj