

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. 1370 of 2011()

(CRIME NO.115/2011 OF SOORANAD POLICE STATION IN KOLLAM DISTRICT).

PETITIONER/ACCUSED

**ANANDAN, AGED 56 YEARS,
S/O.KOCHU CHERUKKAN,
LISIL BHAVANAM, PATHRIKKAL MURI,
SOORANADU NORTH VILLAGE, KUNNATHOOR TALUK,
KOLLAM DISTRICT.**

BY ADV. SRI.P.V.DILEEP

RESPONDENT/COMPLAINANT

**STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR, SRI.M.S.BREEZE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28/02/2011, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

VK

V. RAMKUMAR, J.

Bail Application No.1370 of 2011

Dated: 28.02.2011

ORDER

Petitioner, who is the sole accused in Crime No.115/2011 of Sooranad Police Station for offences punishable under Sections 294 (b), 323 and 326 I.P.C., seeks 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 Others (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 petitioner. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for the purpose of interrogation and then to have his application for bail considered by the Magistrate or the Court having jurisdiction. Accordingly, the petitioner is directed to surrender before the investigating officer on **14.03.2011 or on 15.03.2011** 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 petitioner 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

petitioner 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 petitioner is without arresting him, the petitioner 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 petitioner has been interrogated by the police shall, after hearing the prosecution as well, **consider and dispose of his application for regular bail preferably on the same date on which it is filed.**

4. In case the petitioner while surrendering before the Investigating Officer has 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 petitioner .

This petition is disposed of as above.

Dated this the 28th day of February, 2011.

V.RAMKUMAR, JUDGE

sj