

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 30TH JUNE 2011 / 9TH ASHADHA 1933

Bail Appl..No. 5090 of 2011()  
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CRIME NO.442/2011 OF KALADY POLICE STATION

PETITIONER/ACCUSED  
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THANKACHAN,AGED 37 YEARS,  
S/O.DEVASSYKUTTY,CHAKKISSERY HOUSE,MALAYATOOR KARA  
MALAYATTOOR VILLAGE,ALUVA TALUK,ERNAKULAM DIST.

BY ADV. SRI.K.SUNILKUMAR

RESPONDENT(S): COMPLAINANT  
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STATE OF KERALA,REPRESENTED BY THE  
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,  
ERNAKULAM.

PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD  
ON 30/06/2011, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**V. RAMKUMAR, J.**

.....  
**Bail Application No.5090 of 2011**  
.....

**Dated: 30.06.2011**

**ORDER**

Petitioner, who is the sole accused in Crime No.442/2011 of Kalady Police Station for offences punishable under Sections 447 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 112 of the verdict of the Apex Court in **Siddharam Satlingappa Mhetre v. State of Maharashtra and Others - (2011) 1 SCC 694**, 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. Accordingly, the petitioner is directed to surrender before the investigating officer on **13.07.2011 or on 14.07.2011** for the purpose of interrogation and recovery of incriminating material, if any. In case the petitioner is arrested by the Investigating Officer before interrogation, 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.**

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 30<sup>th</sup> day of June, 2011.*

**V.RAMKUMAR, JUDGE**

sj