

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

WEDNESDAY, THE 29TH DAY OF APRIL, 2020 /9TH VAISAKHA, 1942

BA.TMP NO. 65 OF 2020

(Crime No.126 of 2020 of Cherupuzha Police Station, Kannur District)

**Petitioner/Accused:**

Jabbar, aged 52 years  
S/o.Abdulla, Methalepurayil House  
Thattummel P.O, Vayakara Amsom

BY SRI.IEANS C.CHAMAKKALA

**Respondents/Complainant & State:**

1. State of Kerala – Represented by Public Prosecutor,  
High Court of Kerala, Ernakulam. Pin- 682031.
2. The Sub Inspector of Police  
Cherupuzha Police Station  
Kannur District- 670 511.

BY PUBLIC PROSECUTOR **SMT PUSHPALATHA.M.K**

THIS BA HAVING COME UP FOR ADMISSION ON 29.04.2020, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:

**C. S. DIAS, J.**

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**B.A. TMP No. 65 of 2020**  
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**Dated this the 29<sup>th</sup> day of April, 2020.**

**ORDER**

This application is filed under Section 438 of the Code of Criminal Procedure.

2. The petitioner is the 1<sup>st</sup> accused in Crime No.126/2020 of the Cherupuzha Police Station, registered for offences punishable under Sections 3 & 25(1B)(a) of the Arms Act, 1959.

3. The prosecution allegation, in brief, is that: on 4.4.2020 the petitioner along with the other accused were found in possession of 3 country made guns and bullets. Thus, the petitioner has committed the above offences.

4. When this Bail Application came up for hearing, the learned counsel for the petitioner submitted that the petitioner is willing to surrender and cooperate with the trial, but he apprehends incarceration. The learned counsel confines his relief for a direction to the learned Magistrate to consider and dispose of the bail application proposed to be filed by the petitioner, on the date of filing itself.

5. After having heard the learned counsel for the petitioner and the learned Public Prosecutor, in exercise of the powers of this Court under Section 482 of the Cr.P.C., I dispose this bail application by directing the Judicial First Class Magistrate, Payyannur, to consider and dispose of the proposed bail application to be filed by the petitioner preferably on the date of filing itself, in accordance with law. I make it clear that, I have not expressed anything on the merits of the matter.

With the above observations, this Bail Application is dismissed.

**C. S. DIAS**  
**JUDGE**

MMG/29.4.2020