

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Bail Appl..No. 117 of 2015 ()

CRIME NO. 1680/2014 OF POOYAPALLY POLICE STATION, KOLLAM DISTRICT.

PETITIONER/ACCUSED:

**SUDHEESH KUMAR, AGED 25 YEARS,
S/O.SURESH BABU, VILAYIL VEEDU,
PARAMCODE, UMMANNOOR (PO),
KOTTARAKARA TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.K.V.ANIL KUMAR.

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A. No. 117 of 2015

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Dated this the 21st day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1680 of 2014 of the Pooyappally Police Station, registered for the offences punishable under Sections 341, 294(b), 324, 506(ii) and 308 IPC.

3. The allegation against the petitioner is that on 13.12.2014, at 5.30 p.m., the petitioner came by his car and wrongfully restrained the defacto complainant on the road, by questioning whether he would attack the grandmother of the petitioner. It is alleged that the petitioner beat on the head of the defacto complainant repeatedly with an iron pipe, thereby causing injury.

4. Heard learned counsel for the petitioner and learned Public Prosecutor.

5. The learned counsel for the petitioner has pointed out that on the same day, on an earlier occasion, the defacto complainant had trespassed into the house of the petitioner

and attacked his grandmother.

6. The learned Public Prosecutor has pointed out that the weapon involved in the incident has not been recovered so far. Therefore, the custodial interrogation of the petitioner is required for the continued investigation of this case. On a perusal of the wound certificate of the defacto complainant, it seems that the defacto complainant has sustained 'a sutured wound at left high parietal region with seven sutures'. Considering the seriousness of the allegations against the petitioner and the present stage of the investigation, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner. At the same time, considering the fact that the petitioner was actuated by the earlier incident, wherein the defacto complainant had attacked his grandmother, I am of the view that this is a fit case wherein an opportunity can be granted to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/22/1/15

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P.A. To Judge