

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Bail Appl..No. 225 of 2015 ()

CRIME NO. 1712/2014 OF HARIPPAD POLICE STATION, ALAPPUZHA DISTRICT

PETITIONER/ACCUSED NO 2 :

**RENJITH, AGED 26 YEARS
S/O.BHASKARAN, NALUKETTUMKAVALA COLONY,
PALLIPPAD, ALAPPUZHA**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL**

RESPONDENTS/COMPLAINANTS :

**STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA THROUGH C.I OF POLICE
HARIPPAD POLICE STATION**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

=====

B.A. No.225 of 2015

=====

Dated this the 11th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.1712 of 2014 of the Harippad Police Station, Alappuzha District, registered for the offences punishable under Sections 323, 326 and 308 read with Section 34 of the Indian Penal Code and Section 20 read with Section 27 of the Arms Act.

3. The allegation against the petitioner and the other accused is that on 25.12.2014 at 9 p.m., they wrongfully restrained the defacto complainant on the road. A1 fisted him on his face and the petitioner inflicted a severe cut, aimed at his head, with a sword-stick. When the same was warded off by the defacto complainant with his left hand, he sustained a serious injury on his elbow and the fracture of the bone.

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

5. The learned Public Prosecutor has pointed out that the petitioner is a habitual offender involved in 4 other crimes

of serious nature. It has been pointed out that the sword-stick allegedly made use of by the petitioner has not yet been recovered. Matters being so, this is a case wherein the custodial interrogation of the petitioner is required for the continued investigation of this case. Considering the facts and circumstances of the case 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.

6. The learned counsel for the petitioner seeks for an opportunity 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/11/2/15

// True Copy //

P.A. To Judge