

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Bail Appl..No. 259 of 2015 ()

CRIME NO. 27/2015 OF KODANADU POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/SOLE ACCUSED:

**SIJO M.J., AGED 33 YEARS,S/O.JOSE,
MANAYAMPILLY HOUSE, KODANADU,
PERUMBAVOOR, ERNAKULAM DISTRICT.**

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT/COMPLAINANT/STATE:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.PIN- 682 031 (THROUGH STATION HOUSE
OFFICER, KODANADU POLICE STATION,
ERNAKULAM DISTRICT)**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B.KEMAL PASHA, J.

B.A.No.259 of 2015

Dated this the 29th day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.27/2015 of Kodanadu police station registered for the offences punishable under Sections 341, 325 and 307 of the Indian Penal Code.

3. The allegation against the petitioner is that on 6.1.2015 at 9 p.m., while the de-facto complainant was travelling by his scooter, the petitioner overtook him by his motor bike and obstructed the scooter, and thereafter he indiscriminately inflicted series of cut injuries on his head with a chopper. Even though the de-facto complainant attempted to defend it with his helmet, he sustained a series of serious injuries. He was pushed down from

the scooter, thereby he sustained dislocation of his shoulder.

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

5. The contents of the C.D. *Prima facie* reveal the complicity of the petitioner. The wound certificate reveal that the de-facto complainant had sustained a series of serious injuries. The investigation of this case is not over. Considering the seriousness of the allegations against the petitioner and the present stage of 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.

7. 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

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PA to Judge