

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Bail Appl..No. 391 of 2015

CRIME NO. 5475/2014 OF PERUMBAVOOR POLICE STATION , ERNAKULAM

APPLICANTS/ACCUSED:

**MUHAMMED ASLAM @ KOCHAN, AGED 28 YEARS,
S/O KOCHUAVUKKAR, KADAYAN KODAN HOUSE,
THANDEKKADU KARA, PONJASSERY P.O.**

BY ADV. SRI.VIPIN NARAYAN

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGHCOURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

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B.A. No. 391 of 2015

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Dated this the 4th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.5475 of 2014 of the Perumbavoor Police Station, registered for the offences punishable under Section 307 IPC and Section 27 of the Arms Act.

3. The allegation against the petitioner is that on 23.12.2014, at 2.20 p.m., the accused attacked the defacto complainant with a sword stick and inflicted a cut injury on the head of the defacto complainant with the sword stick, thereby attempting to commit murder.

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

5. The contents of the CD *prima facie* reveal the

complicity of the petitioner. Wound certificate of the defacto complainant, which finds a place among the records in the CD, reveals the seriousness of the injury sustained to the defacto complainant. The investigation of this case is not over as the weapon has not yet been recovered. Considering all the above and the present stage of the investigation, I am satisfied 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/4/2/15

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P.A. To Judge