

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. 501 of 2015 ()

CRIME NO. 14/2015 OF PUTHENVELIKKARA POLICE STATION, ERNAKULAM DIST.

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PETITIONER/ACCUSED:

**GEORGE, AGED 39 YEARS,
S/O.PETER, PALAPARAMBIL HOUSE,
PUTHENVELIKKARA, ELANTHIKKARA P.O.,
VATTEKATTUKUNNU, N. PARAVUR, ERNAKULAM.**

BY ADV. SRI.K.V.SABU.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

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:**

rs.

B.KEMAL PASHA, J.

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B.A. No. 501 of 2015

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Dated this the 11th day of February, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.14/2015 of the Puthenvelikkara Police Station, registered for the offences punishable under Sections 326, 324, 294(b) and 506(ii) IPC.

3. The allegation against the petitioner is that on 06.01.2015 at 8.30 p.m., he approached the de facto complainant with iron rods and a chopper, and beat on his right leg with iron rod, thereby causing three fractures. It is also alleged that he inflicted a cut on the forehead of the de facto complainant with a chopper.

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

5. The learned counsel for the petitioner pointed out that the petitioner has also sustained injuries in the incident, for which a

case has been registered. The contents of the C.D. *prima facie* reveal the complicity of the petitioner. The wound certificate which finds a place among the records in the C.D. reveals that the petitioner has sustained three fractures to the bones of his right leg and also an injury on his forehead. Considering the seriousness of the allegation against the petitioner, and the present stage of investigation, I am satisfied that the petitioner is not entitled to the discretionary relief of anticipatory bail.

6. At the same time, considering the fact that the parties are neighbours and that no criminal antecedents have been reported against the petitioner, I am of the view that an opportunity can be given 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

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P.A to Judge