

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Bail Appl..No. 979 of 2015

CRIME NO. 1476/2014 OF PANDALAM POLICE STATION , PATHANAMTITTA

APPLICANT/IST ACCUSED:

**PODIYAN K, AGED 51 YEARS,
S/O LATE KOCHURAMAN,
AKHIL BHAGANAM, MUKKODY,
KURAMBALA SOUTH P.O., PANDALAM,
ADOOR TALUK.**

BY ADV. SRI.L.G.SURESH BABU

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE, PANDALAM
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682031.**

BY PUBLIC PROSECUTOR SMT.LISHA. M.G.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

SUNIL THOMAS, J.

B.A. No.979 OF 2015

Dated this the 14th day of July, 2015

O R D E R

The first accused in Crime No.1476/2014 of Pandalam Police Station for offences punishable under Sections 323,324,307 read with Section 34 is the petitioner herein.

2. The prosecution alleged that on 24/10/2014 at about 6.30 pm, while the defacto complainant and others were doing repairs of a culvert, accused three in number went to the spot and physically assaulted them. It is alleged that the defacto complainant sustained serious injuries. He was immediately rushed to the hospital and was given expert treatment. On the basis of the FIS lodged, crime was registered and the police is investigating. Apprehending arrest, the first accused seeks pre-arrest bail.

3. Heard and examined the records.

4. It was submitted by the learned Public Prosecutor that in the course of investigation, the second and third accused were arrested and later released. The second accused appears to be the son of the first accused. The specific allegation in the FIS is that the first accused used a hard weapon and hit on the head. When he started bleeding, he was rushed to the hospital. The wound certificate shows that the injury that

was caused was a lacerated wound at the centre of the skull around 8 cm. x 2 cm. which was sutured. Abrasions were seen on other parts of the body. Evidently, serious injury has been caused on the vital parts of the body. Recovery of the weapon is yet to be effected.

5. Considering the serious nature of the allegation, the use of a hard weapon and the further fact that corresponding serious injuries are seen on the body of the injured, I am not inclined to grant the benefit of pre- arrest bail to the petitioner.

6. The learned counsel for the petitioner at this stage submitted that the petitioner may be permitted to surrender before the local Magistrate with appropriate directions. The petitioner, if so advised, may surrender before the Jurisdictional Magistrate. In the event of any bail application being filed on that day, the learned Jurisdictional Magistrate shall consider that application, as far as possible on the same day itself, in accordance with law.

With the above observation, this application is dismissed.

Sd/-

SUNIL THOMAS
Judge

dpk

/true copy/ PS to Judge.

