

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Bail Appl..No. 1023 of 2015 ()

CRIME NO. 202/2015 OF MANNUTHY POLICE STATION, THRISSUR DISTRICT

PETITIONER/1ST ACCUSED :

**MONISH C.I.,
S/O.INASU, AGED 27 YEARS
CHEROOKKARAN HOUSE,
JUBILEE NAGAR, NADATHARA
THRISSUR, PIN-680 751.**

BY ADV. SRI.P.K.MADHUSOODHANAN

RESPONDENT/STATE :

**THE STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
MANNUTHY POLICE STATION, THROUGH THE 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 09-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

.....
Bail Application No.1023 of 2015
.....

Dated this the 9th day of March, 2015.

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioner is the first accused in Crime No.202/2015 of the Mannuthy Police Station registered for the offences punishable under Sections 341,323 and 326 read with Section 34 IPC.

3. The allegation against the petitioner and the other accused is that on 27-1-2015 at midnight, the petitioner beat the de-facto complainant on his face with an iron pipe thereby he lost two teeth and sustained a serious injury on his lips. The allegation against the other accused is that they have slapped and stamped the de-facto complainant.

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

5. It seems that the main overt acts are alleged against the petitioner. The learned Public Prosecutor has point out that the investigation of this case is not over as the weapon used by the petitioner has not yet been recovered. It is true that no criminal antecedents have been reported against the petitioner. At the same time, it is a fact that the custodial interrogation of the petitioner is required for the recovery of the weapon involved. Matters being so, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioners. At the same time, in the absence of any criminal antecedents on his part, I am of the view that an an opportunity can be granted to the petitioner to surrender before the investigating officer and to co-operate with the investigation, for effecting the recovery.

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.

B.KEMAL PASHA, JUDGE

smm

