

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Bail Appl..No.1409 of 2015

(CRIME NO.196/2015 OF CHITTUR POLICE STATION,PALAKKAD).

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PETITIONER/ACCUSED:

**VISHNU,S/O.CHENTHAMARA,AGED 20 YEARS,
KANNALATH VEEDU,KIZHAKEPURA,
PANAYUR,CHITTUR P.O.,PALAKKAD.**

**BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
CHITTUR POLICE STATION,PALAKKAD DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No. 1409 of 2015

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Dated this the 23rd day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.196/2015 of the Chittur Police Station, Palakkad District, registered for the offence punishable under Section 326 IPC.

3. The allegation against the petitioner is that on 15.2.2015 at 7.30 p.m., he repeatedly beat on the face of the de facto complainant with a hammer, thereby causing a series of fractures of the bones of his face.

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

5. The wound certificate which finds a place among the records in the C.D shows that the de facto complainant sustained the fracture of his (L) maxillary wall, fracture of lateral wall of (L) orbit, fracture of (L) zygomatic arch, fracture of nasal bone and

fracture of (L) mandible.

6. The allegations against the petitioner are very grave and serious. The contents of the C.D *prima facie* reveal the complicity of the petitioner. The learned counsel for the petitioner has pointed out that the petitioner is a 20 year old boy and he has no criminal antecedents on his part. Considering the seriousness of the allegations against the petitioner, I am satisfied that this is not a fit case wherein anticipatory bail can be granted to the petitioner.

7. At the same time, considering the age of the petitioner and the absence of any criminal antecedents on his part, I am of the view that an opportunity can be granted to the petitioner to surrender before the investigating officer in order 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