

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Bail Appl..No. 3206 of 2015 ()

CRIME NO. 263/2015 OF ARYANCODE POLICE STATION, THIRUVANANDAPURAM

PETITIONER(S)/ACCUSED :

1. **UNNI @ LAL KRISHNA, AGED 25 YEARS,
S/O.VIJAYAN PALLOTHUKONAM, CHEMPOOR,
MANNAKONAM P.O.,
TRIVANDRUM.**
2. **DILEEP, AGED 27 YEARS,
S/O.MOHANDAS, MELLEKAVADIKUZH VEDU, KUTTIYANI,
KEEZHAYOOR, TRIVANDRUM.**

BY ADV. SRI.M.R.SARIN PANICKER

RESPONDENT(S)/STATE/DEFACTO COMPLAINANT :

1. **STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**
2. **THE SUB INSPECTOR OF POLICE,
ARYANCODE POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**

BY SRI.N.SURESH, PUBLIC PROSECUTOR

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
26-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

AMV

B.SUDHEENDRA KUMAR, J.

.....

B.A.No.3206 of 2015 (A)

.....

Dated this the 26th day of June, 2015

ORDER

The petitioners are accused Nos.1 and 2 in Crime No.263 of 2015 of Aryancode Police Station. The offences alleged are offences under Sections 341, 324, 326 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

2. The prosecution allegation is that on 10.04.2015 at 8 p.m., the petitioners wrongfully restrained the de facto complainant, who was returning to his house on his motor cycle, and attacked him with sword, iron rod, and iron block, causing injuries including fractures on his ribs and nasal bone.

3. The petitioners have filed this application under Section 438 of the Code of Criminal Procedure.

4. Heard. Perused the case diary.

5. The learned Public Prosecutor has opposed this application. It appears from the case diary that there are

materials to prima facie connect the petitioners with the commission of the offence. It appears that the 1st accused came to the place of occurrence in a motor cycle having no registration number. The investigation has to be conducted as to whether the above said motor cycle is a stolen motor cycle or not. The 2nd accused used a sword, the 3rd accused used an iron road and the 4th accused used an iron block to inflict injuries on the de facto complainant. The recovery has to be effected. Considering the nature and gravity of the allegations raised against the petitioners, I am of the view that an order under Section 438 Cr.P.C. in favour of the petitioners will not be justified in this case.

6. In the result, this application stands dismissed. However, the petitioners shall be at liberty to surrender before the Sub Inspector of Police, Aryancode Police Station within two weeks from today, if so advised. In the event of such surrender by the petitioners, the Sub Inspector of Police shall produce the petitioners before the jurisdictional Magistrate after interrogation. If the petitioners file any application for bail on their production before the jurisdictional Magistrate, the learned Magistrate shall consider and dispose of the

application, in accordance with law, as expeditiously as possible.

Sd/-
B.SUDHEENDRA KUMAR,
JUDGE

AMV/29/06/

/TRUE COPY/

P.A.TO JUDGE