

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

Bail Appl..No. 4784 of 2015

CRIME NO. 778/2010 OF OCHIRA POLICE STATION, KOLLAM

PETITIONER/2ND ACCUSED:

**SAJITH @ ACHU, AGED 27 YEARS,
MANNADI THARAYIL VEETIL, PULUMBITHEKKUM MURIYIL,
PUTHUPALLY VILLAGE, KARUNAGAPPALLY, KOLLAM.**

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS/DEFACTO COMPLAINANT/STATE:

- 1. THE SUB INSPECTOR OF POLICE,
OACHIRA POLICE STATION, KOLLAM DISTRICT-690526.**
- 2. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A. HARIPRASAD, J.

Bail Appl. No.4784 of 2015

Dated this the 14th day of September 2015

ORDER

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.778 of 2010 of the Oachira Police station registered for the offences punishable under Secs.143, 147, 148, 308, 323, 324, 427 and 452 read with Sec.149 of the Indian Penal Code and Sec.27 of the Arms Act. The prosecution case in short is that the petitioner along with the co-accused, in furtherance of their common intention, armed with swords and iron rod etc., formed themselves into an unlawful assembly, on 02.08.2010 at about 19.45 hours, trespassed into the internet cafe and attacked the defacto complainant. The petitioner (2nd accused) attacked the defacto complainant with sword and caused injury to the fingers of the defacto complainant. The case has been committed to the Assistant Sessions Court, Karunagappally. The petitioner later absconded from the

court.

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

4. Learned counsel for the petitioner submitted that the petitioner went to Saudi Arabia in connection with his employment and he had no intention to stay away from the Court. However, the fact is that the petitioner's case has been split-up and it is pending as L.P. No.44 of 2013 before the Judicial First Class Magistrate Court, Karunagappally. The case in respect of the other accused have been committed to the Assistant Sessions Court. It is also submitted by the learned counsel for the petitioner that this court on 13.08.2015 directed the petitioner to produce his passport to convince the mind of this Court that he had gone to Saudi Arabia to pursue an employment. Thereafter, on 02.09.2015, this court, after perusing the passport, passed the following interim direction.

“ Post in the next week at the request of the learned Public Prosecutor. The petitioner shall not be arrested till the disposal of this Bail Application, provided he surrenders his

passport before the Judicial First Class Magistrate's Court, Karunagappally, on or before 07.09.2015."

5. The learned Public Prosecutor opposed the bail application.

Considering the stage of investigation and the materials in the case diary, following directions are issued.

The petitioner shall surrender before the learned Magistrate having jurisdiction within one week and move for regular bail. In that event, learned Magistrate shall, after giving notice to the Public Prosecutor, consider the application on merits, as expeditiously as possible, if possible on the date of surrender itself.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

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P.A. To Judge