

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

Bail Appl..No. 5059 of 2015

CRIME NO. 966/2015 OF KOIPURAM POLICE STATION, PATHANAMTITTA

PETITIONER(S)/ACCUSED NO.2 AND 3:

1. SUNDERESHAN PILLAI C., AGED 39 YEARS
S/O. CHELLAPPAN PILLAI, KADAMAN KUZHI, VELLIYARA P.O.,
AYIROOR.
2. ASHOKAN T.K., AGED 49 YEARS,
S/O. UNNI PILLAI, AJI BHAVAN, VELLIYARA P.O.,
AYIROOR.

**BY ADVS.SRI.ARUN.B.VARGHESE
SRI.JAYKAR.K.S.
SMT.M.B.DHANYA BABU**

RESPONDENT(S)/STATE & COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. THE SUB INSPECTOR OF POLICE,
KOZHIPURAM POLICE STATION,
PATHANAMTHITTA DISTRICT-689 645.

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A No.5059 of 2015

Dated this the 17th day of September, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused Nos.2 and 3 in Crime No.966 of 2015 of Kozhipuram Police Station registered for offences punishable under Sections 452, 324 and 326 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that on 20-07-2015 at about 13.30 hours, the petitioners attacked the defacto complainant by using sticks and caused fracture.

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

5. Considering the nature of allegations, I am not inclined to grant pre-arrest bail to the petitioners.

Petitioners, if surrender in two weeks before the Investigating Officer, they shall be questioned and thereafter on the same day, they shall be produced before the learned Magistrate having jurisdiction. Petitioners are free to move for regular bail before the learned Magistrate. In that event, the learned Magistrate shall consider the

application as expeditiously as possible on merits. If the petitioners fail to surrender as mentioned above, the investigating officer is free to arrest them as if no order has been passed.

The application is disposed of.

**Sd/-
A.HARIPRASAD,
JUDGE.**

//True copy//

P.A to Judge

amk