

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

Bail Appl..No. 5233 of 2015

CRIME NO. 711/2015 OF PARAVOOR POLICE STATION, KOLLAM
.....

PETITIONER(S)/ACCUSED:

**M. ABOOBAKER, AGED 20 YEARS,
S/O.MOHAMED SALI, PUYAVILA KONGAL,
PARAVUR, POZHICKARA.**

BY ADV. SRI.R.ABDUL AHAD

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A No.5233 of 2015

Dated this the 22nd day of September, 2015.

ORDER

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

2. Petitioner is the accused in crime No.711 of 2015 of Paravur Police Station registered for offences punishable under Sections 143, 147, 148, 323, 324 and 308 r/w Section 149 I.P.C.

3. Prosecution case, in short, is that on 07-05-2015 at about 4.00 p.m., the petitioner along with five other persons assaulted the defacto complainant. They nurtured enmity towards the defacto complainant. It is the specific case of the prosecution that the petitioner used an iron rod and also a beer bottle to attack the defacto complainant causing an injury to ear causing bleeding and another sutured wound on the left hand.

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

5. Learned counsel for the petitioner submitted that a small fight between students have been blown-up out of proportion.

Learned Public Prosecutor opposed the bail application contending that there are specific allegations against the petitioner taking part in the act with dangerous weapons. Considering the fact that recovery of the weapon may be necessary in this case, following directions are made :

The petitioner shall surrender before the Investigating Officer within two weeks from today and submit himself for interrogation. The Investigating Officer shall produce him before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioner is 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 petitioner fails to surrender as mentioned above, the investigating officer is free to arrest him as if no order has been passed in this case.

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

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P.A to Judge

amk