

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Bail Appl..No. 5279 of 2015 ()

CRIME NO. 562/2015 OF ARYANCODE POLICE STATION, TRIVANDRUM DISTRICT

PETITIONER/ACCUSED :

**SANDEEP
AGED 20 YEARS, S/O. SOMAN ASSARI,
VALIYAVILA PUTHENVEEDU
MANDAPATHINKADAVU,
OTTASEKHARAMANGALAM.**

**BY ADVS.SRI.S.V.PREMAKUMARAN NAIR
SRI.R.T.PRADEEP
SMT.M.BINDUDAS
SMT.P.S.ANJU**

RESPONDENT :

**THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

Bail Appl. No.5279 of 2015

Dated this the 2nd day of September 2015

ORDER

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

2. Petitioner is the sole accused in Crime No.562 of 2015 of the Aryancode Police station registered for the offences punishable under Secs.294(b), 308 and 506(ii) of the Indian Penal Code. The prosecution case in brief is that on 02.08.2015, the petitioner called on the defacto complainant and questioned why he caused trouble to his cousin sister. Due to that enmity, the accused attempted to hack the defacto complainant by using a chopper, thereby causing injuries. It is further alleged that he intended to commit culpable homicide of the defacto complainant.

2. Heard both sides.

3. Learned counsel for the petitioner submitted that the offence under Sec.308 of the Indian Penal Code is added at the instance of a retired Police officer, who is a close relative of the defacto complainant. It is also submitted that no weapon, as alleged, was used and that

could be revealed from the materials in the wound certificate.

4. Perused the case diary. On going through the materials in the case diary, I am prima facie of the view that the case put forward by the petitioner is not probablised. However, custodial interrogation may be necessary in this case. Therefore the petitioner shall surrender before the investigating officer as follows:

The petitioner shall appear before the investigating officer and surrender within a period of fifteen days and subject himself for interrogation. Thereafter, the investigating officer shall produce the petitioner before the learned Magistrate having jurisdiction and in that event, the petitioner is free to move an application for bail. If that be so, the learned Magistrate shall consider the application on merits as expeditiously as possible, if possible on the date of surrender itself.

**A. HARIPRASAD
JUDGE**