

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

Bail Appl..No. 5324 of 2015 ()

**CRIME NO. 1098/2015 OF NEDUMANGAD POLICE STATION,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER/ACCUSED:

**JIJO LAZAR, AGED 54 YEARS,
S/O.LAZER, JIJO BHAVAN, SANKARA MANGALAM,
VALIAYALAMA, VELLANAD, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.A.RAJASIMHAN
SRI.K.NIRMALAN**

RESPONDENT/STATE:

**STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE,
NEDUMANGAD POLICE STATION, THIRUVANANTHAPURAM,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERLA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A.No.5324 of 2015

Dated this the 10th day of September, 2015

O R D E R

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the 1st accused in Crime No.1098 of 2015 of Nedumangad Police Station registered for the offences punishable under Sections 323, 324, 326 and 427 r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that on 19.07.2015 at about 10.15 p.m. the accused persons with the common intention trespassed into the house of the *de facto* complainant with an iron rod and attacked the *de facto* complainant causing a fracture on the palm.

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

5. Learned counsel for the petitioner submitted that this is a false case registered against the petitioner. In fact, he and his friends were attacked on the same day by the *de facto* complainant and another crime was

registered as Crime No.522 of 2015 of Aruvikkara Police Station.

6. After hearing on both sides and perusing the records, I am of the view that the petitioner is not entitled to get anticipatory bail in this matter as the alleged weapon need to be recovered.

The petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. Thereafter, Investigating Officer shall produce him before the learned Magistrate having jurisdiction on the date of surrender itself. The petitioner is free to move for regular bail before the learned Magistrate. In that event, the learned Magistrate may consider the application on merits as expeditiously as possible if possible on the date of surrender itself.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge