

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Bail Appl..No. 5431 of 2015

CRIME NO. 183/2015 OF KODENCHERY POLICE STATION, KOZHIKODE
.....

PETITIONER(S)/ACCUSED NO.5:

**HARRIS, AGED 39 YEARS,
S/O. SAITHALAVI, PUTHUPPARAMBIL HOUSE, MURAMPATHI POST,
THAMARASSERY TALUK.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031. (CRIME NO. 183/2015 OF
KODENCHERI POLICE STATION,
KOZHIKODE DISTRICT)**
- 2. STATION HOUSE OFFICER,
KODENCHERI POLICE STATION,
KOZHIKODE DISTRICT - 673 580. (CRIME
NO.183/2015 OF KODENCHERI POLICE STATION,
KOZHIKODE DISTRICT).**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
08-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A No.5431 of 2015

Dated this the 8th day of October, 2015.

ORDER

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

2. Petitioner is the accused in Crime No.183 of 2015 of Kodancheri Police Station registered for offences punishable under Sections 143, 147, 148, 341, 323, 324, 506 and 308 r/w Section 149 I.P.C

3. Prosecution case, in short, is that on 09-08-2015 at about 5.30 p.m., the accused formed themselves into an unlawful assembly and on account of the enmity nurtured by the parties due to sectarian feelings they clashed. I have seen the wound certificate of the defacto complainant. It shows the fact that he sustained incised wounds apparently, inflicted by a sharp edged weapon. Allegation is that the petitioner used a knife to inflict the injuries.

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

5. Considering the nature of allegations, I am of the view that the accused should be taken in custody for interrogation. Therefore, I find no reason to grant pre-arrest bail to the petitioner. Hence, following directions are issued :

The petitioner shall surrender before the Investigating Officer within a period of one week from today and submit himself for interrogation. Thereafter, he shall be produced before the learned Magistrate having jurisdiction on the same day. The petitioner is free to move for regular bail before the court below. In that event, the application shall be considered on merits as expeditiously as possible. If petitioners do not surrender in the stipulated time, the Investigating Officer is free to arrest him as if no order is passed in this matter.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//