

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Bail Appl..No. 5438 of 2015

**CRIME NO. 2490/2015 OF KARUNAGAPPALLY POLICE STATION ,
KOLLAM DISTRICT**

PETITIONER(S)/ACCUSED :

**BIJU, AGED 23 YEARS,
S/O.SASIDHARAN, KOTTAPPURATHU VEEDU, MUZHANGODI MURI,
THODIYOOR P.O., KARUNAGAPPALLY THALUK,
KOLLAM DISTRICT.**

BY ADV. SRI.P.VDILEEP

RESPONDENT(S)/COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE,
KARUNAGAPPALLY POLICE STATION, KOLLAM DISTRICT.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.5438 of 2015

Dated this the 15th day of September, 2015

ORDER

Petitioner seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure in Crime No.2490 of 2015 of Karunagappally Police Station registered for offences punishable under Sections 143, 147, 324 and 308 read with Section 34 of the Indian Penal Code.

2. Prosecution alleged that the petitioner along with other accused formed themselves into an unlawful assembly and attacked the defacto complainant with iron rods. Injuries have been caused to the defacto complainant.

3. Heard both sides.

4. Learned counsel for the petitioner submitted that petitioner is only the 9th accused and no overtact is alleged against him. Learned Public Prosecutor opposed the bail application contending that he is a member of the unlawful assembly.

5. Considering the nature of allegations, I am not inclined to grant anticipatory bail to the petitioner. He 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 bail before the learned Magistrate. In that event, the learned Magistrate shall consider the application as expeditiously as possible on merits. If the accused fails to do so in the stipulated time, this order will automatically cease to have force.

The application is disposed of.

A. HARIPRASAD, JUDGE.

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