

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Bail Appl..No. 5553 of 2015 ()

**CRIME NO. 735/2015 OF KUTHIYATHODE POLICE STATION,
ALAPPUZHA DISTRICT**

PETITIONERS/ACCUSED NOS.1, 2 & 4 :

- 1. AMAL, S/O.YOHANNAN, AGED 21 YEARS,
KAIPOLIL COLONY, VALAMANGALAM P.O.,
THURAVOOR PANCHAYAT ALAPPUZHA DISTRICT.**
- 2. SHIBU @ CHACHAPPAN, AGED 35 YEARS,
S/O. ANIRUDHAN, THIRUVENKITAPURAM
VALAMANGALAM P.O.,
THURAVOOR PANCHAYAT ALAPPUZHA DISTRICT.**
- 3. K.R. RAJESH,AGED 39 YEARS,
S/O.RAJENDRAN PILLAI, VELEPARAMBIL
VALAMANGALAM P.O.,
THURAVOOR PANCHAYAT ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

RAJA VIJAYARAGHAVAN V, J.

B.A.No.5553 of 2015

Dated this the 14th day of October, 2015

O R D E R

This is an application for anticipatory bail filed under S.438 of the Code of Criminal Procedure.

2. The petitioners are accused Nos.1, 2 & 4 in Crime No.735/2015 of Kuthiathodu Police Station.

3. The prosecution allegation is that on 09.07.2015 at about 8.30 p.m., due to previous animosity towards the informant and with intent to physically assault him, the accused, 4 in number, criminally trespassed into his residential house at 8.30 p.m and inflicted several injuries including a deep injury on his right thigh using a knife.

4. I have heard the learned counsel appearing for

the petitioners as well as the learned Public Prosecutor.

5. The learned counsel appearing for the petitioners has contended that the incident had occurred pursuant to a wordy altercation between the parties in a fit of quarrel.

6. The learned Public Prosecutor has vehemently opposed the application for bail and contended that grievous injury was inflicted with a knife which would dis-entitle the petitioners from seeking pre-arrest bail. The learned Public Prosecutor has also handed over the discharge certificate issued by the Assistant Professor of General Surgery, Medical College Hospital, Alleppey which reveals that the de facto complainant had in fact sustained injury on his right thigh.

7. It appears that the allegations against the petitioners are serious. This is not a case where the

discretionary relief of anticipatory bail can be granted to the petitioner. In the result, this bail application is dismissed. However, the petitioner, if he so desires or is so advised, may surrender before the Investigating Officer within ten days from today and in such case, the Investigating Officer shall interrogate the petitioner, effect recovery if any, and conduct necessary investigation and thereafter produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor.

The application is disposed of as above.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge