

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Bail Appl..No. 5651 of 2015 ()

CRIME NO. 1429/2015 OF VADAKKENCHERY POLICE STATION, PALAKKAD DISTRICT

PETITIONERS/ACCUSED :

1. KUMARAN P., AGED 32,
S/O.PONNAN, THEKKUMCHERY HOUSE, MUDAPPALLUR P.O.
VADAKKENCHERY, PALAKKAD DISTRICT, PIN - 678 705.
2. MANIKANDAN N., AGED 28,
S/O.LATE NARAYANAN, CHEPALODE HOUSE, MUDAPPALLUR P.O.
VADAKKENCHERY, PALAKKAD DISTRICT, PIN - 678 705.

**BY ADVS.SRI.S.RENJITH
SRI.S.UNNIKRISHNAN (NELLAD)**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY 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 30-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A. No.5651 of 2015

Dated this the 30th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime No.1429 of 2015 of Vadakkancherry Police Station registered for offences punishable under Sections 294(b), 324 and 326 r/w 34 I.P.C.

3. Prosecution case, in short, is that on 16-08-2015 at about 4.30 p.m., the accused persons (petitioners) attacked the defacto complainant by using a stone. First accused threw a stone to the defacto complainant causing injury to three teeth. The stone was handed over by the second accused is the prosecution case.

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

5. Learned counsel for the petitioners submitted that there was a dispute between two groups regarding the placement

of flex boards during Onam celebration. Five persons attempted to attack the petitioners. As they were only two persons, they tried to escape from the place and somebody from the crowd pelted stones. This contention is not supported from the materials in the case diary at present. Therefore, I am of the view that the petitioners are not entitled to plead for pre-arrest bail under Section 438 of the Code of Criminal Procedure. They shall surrender before the Investigating Officer within one week from today and submit themselves for interrogation. The Investigating Officer shall produce them before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioners are free to move for regular bail before the learned Magistrate. In that event, the learned Magistrate shall consider the application as expeditiously as possible on merits.

amk

Sd/-
A.HARIPRASAD,
JUDGE.