

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

Bail Appl..No. 5664 of 2015 ()

CRIME NO. 2276/2015 OF ADOOR POLICE STATION, PATHANAMTHITTA DISTRICT

PETITIONER/ACCUSED :

**RAJITH, AGED 25 YEARS
PALAVILAYIL HOUSE, PUTHENCHANTHA,
PERINGANAD.**

**BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEESH KUMAR**

RESPONDENTS/COMPLAINANTS :

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

**2. SUB INSPECTOR OF POLICE
ADOOR-691 523.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.5664 of 2015

Dated this the 5th day of October, 2015.

ORDER

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

2. Petitioner is the sole accused in Crime No.2276 of 2015 of Adoor Police Station registered for offences punishable under Sections 447, 326, 323 and 506(i) I.P.C.

3. Prosecution case, in short, is that on 06-09-2015 at about 9.15 p.m., the defacto complainant was assaulted by the petitioner and he sustained loss of teeth and other injuries on face.

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

5. Learned counsel for the petitioner submitted that there is an inconsistency in the wound certificate and other statements. In the wound certificate, it is mentioned that the petitioner beat the defacto complainant by an iron rod whereas, other materials show that he was hit with some hard object. He

further submitted that he is not involved in any other offence. Considering the nature of allegation and gravity of offence and also the fact that custodial interrogation may be necessary, I am not inclined to grant pre-arrest bail to the petitioner. Therefore, 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 petitioner does 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.