

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 5717 of 2015

CRIME NO. 654/2015 OF CHELAKKARA POLICE STATION, THRISSUR

PETITIONER(S)/ACCUSED:

**JALISH, AGED 28 YEARS,
S/O.SAIDU MUHAMMED, KADAMANKOTTIL HOUSE, PATHUKKUDI,
CHELAKKARA, THRISSUR DISTRICT.**

BY ADV. SRI.A.C.DEVY

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

RAJA VIJAYARAGHAVAN.V. J

B.A.5717 of 2015

Dated 15th October, 2015

ORDER

- 1.This petition is filed u/s 438 of the Code of Criminal Procedure.
- 2.The petitioner is the sole accused in crime No.654 of 2015 of Chelakkara police station. He is involved in offence punishable u/s 452, 341, 324, 354 and 294(b) r/w S.34 IPC.
- 3.The prosecution allegation is that owing to previous animosity towards the daughter of the informant, on 4.8.2015 at 11.30 p.m, the petitioner had trespassed into the residential house of his elder brother and had assaulted the informant as well as her daughter with sticks and caused injuries.

4.I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor. I have also gone through the case diary.

5.The learned counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner. According to the learned counsel, the 1st informant's daughter is the wife of his elder brother and it was his elder brother who had assaulted his wife. According to the learned counsel, it is to give a reprieve to his elder brother that a false allegation has been raised against the petitioner and a crime got registered. The accident register-cum-wound certificate issued by the Orthopedic surgeon of the Chelakkara hospital would reveal that the informant has sustained deep lacerated wound and contusion on her body. It is

also revealed that the daughter of the informant has also sustained injuries. In the facts and circumstances, I am of the considered view that the petitioner is not entitled to the relief of anticipatory bail.

6. In the result, this bail application is dismissed.

7. 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

MrCs

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P.S. To Judge