

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. 5725 of 2015

CRIME NO. 494/2015 OF KALIKAVU POLICE STATION, MALAPPURAM
.....

PETITIONER(S)/ACCUSED:

**K.MUSTHAFA, AGED 22 YEARS,
S/O.MOHAMMED, KARUTHEDATH HOUSE, MAMBATTUMoola P.O.,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN
SRI.JITHIN LUKOSE**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.5725 of 2015

Dated this the 30th day of September, 2015

ORDER

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

2. Petitioner is the 4th accused in Crime No.494 of 2015 of Kalikavu Police Station registered for offences punishable under Sections 341, 323, 324 and 326 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that on 08-08-2015 at about 8.30 p.m., the petitioner and other accused persons wrongfully restrained the defacto complainant and beat him with iron rod and stick causing grievous injury. He sustained fracture of right thumb in the attack.

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

5. Learned counsel for the petitioner submitted that other accused persons have been granted pre-arrest bail by the learned Sessions Judge, Manjeri. Petitioner is also innocent is the contention raised by the learned counsel. Learned Public

Prosecutor opposed the bail application contending that there are specific allegations in the case diary showing that the petitioner used a stick to attack the defacto complainant. First accused, who used an iron rod was arrested and interrogated. Similar situation is required in the case of the petitioner as well. Considering the nature of allegations, I am not inclined to grant pre-arrest bail to the petitioner. He shall surrender before the Investigating Officer within one week 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 regular bail before the learned Magistrate. In that event, the learned Magistrate shall consider the application as expeditiously as possible on merits.

Sd/-
A.HARIPRASAD,
JUDGE.
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