

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. 5741 of 2015 ()

**CRIME NO. 436/2015 OF MANNANTHALA POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONER/FIRST ACCUSED :

**MALAI MOHAN, AGED 26 YEARS,
S/O. DHANUSHKODY KANNAN, RESIDING AT THIRUVATHIRA,
KERA C-19, GURUJI LANE, KERALADITHYAPURAM,
POUDIKONAM P.O., ULIYAZHTHARA VILLAGE,
THIRUVANANTHAPURAM.**

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS/DEFACTO COMPLAINANT AND STATE :

- 1. THE SUB INSPECTOR OF POLICE
MANNANTHALA POLICE STATION
THIRUVANANTHAPURAM DISTRICT-695 015.**
- 2. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

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:**

bp

A.HARIPRASAD, J.

B.A. No.5741 of 2015

Dated this the 30th day of September, 2015

ORDER

Petitioner, who is the first accused in Crime No.436 of 2015 of Mannanthala Police Station registered for offences punishable under Sections 308, 324 and 342 read with Section 34 of the Indian Penal Code, seeks bail under Section 438 of the Code of Criminal Procedure.

2. Prosecution case, shortly stated, is that due to property dispute, there was a fight between the defacto complainant and the accused persons and the petitioner allegedly used a chopper to cause injury to the defacto complainant

3. Heard both sides. Perused the relevant records in the case diary and also the order passed by this Court in B.A.No.3165 of 2015 on 09.06.2015.

4. Petitioner's plea for anticipatory bail was turned down by this Court on an earlier occasion. Learned counsel for the petitioner was asked to show any change of circumstance for getting anticipatory bail in this second application. Learned counsel submitted that the third accused was enlarged on regular bail by the Sessions Judge as per Annexure-IV order.

I am not satisfied that this is a change of circumstance enabling

the petitioner to claim anticipatory bail. Therefore, the application is dismissed. In the event the petitioner surrenders before the Investigating Officer within a period of one week, he shall be produced before the Magistrate having jurisdiction and his application for bail shall be considered by the court below on merits as expeditiously as possible. If the petitioner does not surrender before the investigating officer within the said time, the investigating officer is free to arrest him, as if no order is passed in this case.

A. HARIPRASAD, JUDGE.

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