

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Bail Appl..No. 5756 of 2015 ()

CRIME NO. 1128/2015 OF ETTUMANOOR POLICE STATION, KOTTAYAM DISTRICT.

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PETITIONER/4TH ACCUSED:

**SREEJESH K.S. @ KANNAN, AGED 23 YEARS,
S/O.SREEDHARAN, KARAKKATTIL HOUSE,
PEROOR P.O., KOTTAYAM.**

**BY ADVS.SRI.BLAZE K.JOSE,
SRI.M.RAJESH,
SMT.P.SHEENA RAJAN,
SMT.RESHMA G.MENON.**

RESPONDENTS/COMPLAINANTS:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. SUB INSPECTOR OF POLICE,
ETTUMANOOR POLICE STATION, PIN - 686 062.**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.5756 of 2015

Dated this the 28th day of September, 2015

ORDER

Petitioner, who is the fourth accused in Crime No.1128 of 2015 of Ettumanoor Police Station registered for offences punishable under Sections 143, 147, 148, 149, 341, 294(b) and 332 of the Indian Penal Code, seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure.

2. Prosecution case, in short, is that the accused persons on 28.08.2015 attacked a police officer on duty at 21.30 hours. The incident was in connection with the celebration of Onam festival near Vechoor market.

3. Heard both sides.

4. Learned counsel for the petitioner submitted that he is innocent of all the allegations. It is also submitted that the the police officer had actually committed the illegalities at the place and the petitioner and other accused persons are falsely implicated in the case. Learned Prosecutor opposed the bail application. According to her, the petitioner has been named in the first information report and his role in the incident has been specifically revealed from the materials in the case diary.

Considering the facts and circumstances, I am not inclined to grant pre-arrest bail to the petitioner. If he surrenders before the investigating officer in one week and submits for interrogation, he shall be produced before the Magistrate having jurisdiction on the date of surrender itself. If the petitioner move for bail, the court below shall consider the application for bail on merits as expeditiously as possible, if possible on the date of production itself. 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 has been passed in this case.

Application is disposed of.

A. HARIPRASAD, JUDGE.

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