

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Bail Appl..No. 5858 of 2015 ()

CRIME NO. 912/2015 OF MATTANNUR POLICE STATION, KANNUR DISTRICT

PETITIONER/IST ACCUSED :

**SHUHAIB S.P.,
S/O.MUHAMMAD, AGED 27 YEARS
SCHOOL PARAMBATH HOUSE, EDAYANNUR P.O.
THALASSERY TALUK, KANNUR DISTRICT.**

BY ADV. SMT.M.MEENA JOHN

RESPONDENTS/COMPLAINANT/STATE :

- 1. STATION HOUSE OFFICER (SHO)
MATTANNUR POLICE STATION, KANNUR - 670 702.**
- 2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 31.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.5858 of 2015

Dated this the 29th day of September, 2015.

ORDER

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

2. Petitioner is the first accused in Crime No.912 of 2015 of Mattannur Police Station registered for offences punishable under Sections 341, 323, 326 and 308 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that the defacto complainant, who is the member of a student union affiliated to a political party was attacked by the petitioner along with other accused persons on 13-08-2015. Petitioner attacked the defacto complainant with a stone.

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

5. Learned counsel for the petitioner submitted that the accused Nos.2 and 3 released on pre arrest bail. Prosecution case is that this petitioner used a stone to attack the defacto

complainant whereas accused Nos.2 and 3 fisted and assaulted with hand. Considering the nature of allegations, following directions are made :

The petitioner shall surrender before the Investigating Officer within two weeks from today and submit himself for interrogation. The Investigating Officer shall produce him before the Court having jurisdiction on the date of surrender itself. Thereafter, the petitioner is free to move for regular bail before the Court having jurisdiction. In that event, the learned Judge shall consider the application as expeditiously as possible on merits. If the petitioner fails to surrender as mentioned above, the investigating officer is free to arrest him as if no order has been passed in this case.

Sd/-
A.HARIPRASAD,
JUDGE.

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