

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

Bail Appl..No. 5945 of 2015 ()

**CRIME NO. 1186/2015 OF NEMOM POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONER/ACCUSED :

**MOHANAN, AGED 60 YEARS
S/O.STEPHEN, N.4, LAKSHAM VEEDU COLONY,
MATHOORKONAM, KALLIYOOR P.O., THIRUVANANTHAPURAM.**

**BY ADVS.SRI.BIJU BALAKRISHNAN
SMT.V.S.RAKHEE
SMT.PRINCY XAVIER**

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE
NEMOM POLICE STATION, THIRUVANANTHAPURAM.**

RBY PUBLIC PROSECUTOR SRI. V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A.No.5945 of 2015

Dated this the 5th day of October, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.1186 of 2015 of Nemom Police Station registered for the offences punishable under Sections 324 and 308 of the Indian Penal Code.

3. The prosecution allegation against the petitioner is that on 16.04.2015 at about 02.30 p.m., the petitioner with the intention to kill the *de facto* complainant, who is none other than his wife, armed with a kitchen knife criminally trespassed into rented house and attacked her causing injuries.

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

5. Learned counsel for the petitioner submitted that the *de facto* complainant and their children were causing problems to the petitioner, In fact, he had to approach the Family Court for seeking injunction relief

against forcible eviction from the house. It is also contended that he is a heart patient.

6. Learned Public Prosecutor opposed the bail application contending that the wound certificate shows sustaining of incised wound apparently by a weapon. Therefore, recovery of weapon may be necessary in this case. Hence, the following directions are issued:

The petitioner shall surrender before the Investigating Officer within a period of 'two weeks' 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 and in that event, the learned Magistrate may consider the application on merits if possible on the date of surrender itself.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge