

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Bail Appl..No. 5998 of 2015

CRIME NO. 779/2015 OF ANTHIKKAD POLICE STATION , THRISSUR DISTRICT

PETITIONER(S)/ACCUSED :

- 1. ARJUN, S/O.ANANDAN, AGED 19 YEARS,
CHULLIPARAMBIL HOUSE, MANAKODY DESOM, THRISSUR TALUK,
THRISSUR DISTRICT.**
- 2. ABHINAND, S/O.ANANDAN,
AGED 18 YEARS, PAYYAPPATTU HOUSE, P.O.MANAKODY,
THRISSUR TALUK, THRISSUR DISTRICT.**
- 3. SACHIN, AGED 16 YEARS,
S/O.PREMAN, PETHEKATTIL HOUSE,
P.O.MANAKODY THRISSUR TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.P.K.SAJEEV

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.5998 of 2015

Dated this the 6th day of October, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Anthikkad Police registered Crime No.779 of 2015 against the petitioners for offences punishable under Sections 341, 323 and 326 read with Section 34 of the Indian Penal Code.

3. Heard both sides.

4. Learned Prosecutor submitted that petitioners 2 and 3 are juveniles and therefore, they cannot be dealt with under any law except the Juvenile Justice (Care and Protection of Children) Act, 2000. Therefore, their application for pre-arrest bail need not be considered.

5. First petitioner is the first accused in the crime. Prosecution

case is that on 02.07.2015 at 8.00 p.m., the accused persons restrained the defacto complainant, who was travelling on a motor cycle, and assaulted him by using wooden stick causing fracture of metacarpal on the right hand.

After hearing the learned counsel for the petitioners and the learned Prosecutor, I am of the view that the first petitioner has to surrender and submit himself for interrogation. Hence the following directions:

First petitioner shall surrender before the investigating officer within a period of one week and submit himself for interrogation. Thereafter, the investigating officer shall produce him before the Magistrate having jurisdiction on the date of surrender itself. In that event, he is free to move for bail and the learned Magistrate shall consider the application on merits as expeditiously as possible, if possible on the date of production

itself. If he 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.

Application is disposed of.

A. HARIPRASAD, JUDGE.

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