

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. 6012 of 2015 ()

CRIME NO. 1412/2015 OF VADAKKENCHERY POLICE STATION, PALAKKAD DISTRICT.

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APPLICANT/ACCUSED:

**JOSEPH @ PAPPACHAN, AGED 76 YEARS,
S/O. OUSEPH, ANANACHALIL HOUSE,
PALAKKUZHY P.O., KIZHAKKANCHERY.**

**BY SRI.P.VIJAYA BHANU, SENIOR ADVOCATE.
ADVS. SRI.V.C.SARATH,
SRI.THOMAS J.ANAKKALLUNKAL.**

RESPONDENT/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 05-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.6012 of 2015

Dated this the 5th day of October, 2015

ORDER

Petitioner seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure. He is the accused in Crime No.1412 of 2015 of Vadakkenchery Police Station registered for offences punishable under Sections 341, 294(b), 324, 326 and 308 of the Indian Penal Code.

2. Prosecution case is that on 13.08.2015 at 2.00 a.m., the petitioner attacked the defacto complainant with a stick resulting in the fracture of right knee and other injuries.

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

4. Learned counsel for the petitioner submitted that the petitioner is aged about 76 years. He is not involved in any offence so far. According to him, the defacto complainant is a drunkard and a menace to the entire locality. Two days prior to the incident, the defacto complainant came to the house of the petitioner and abused him. There was some issue in respect of that incident. As a retaliation, a false complaint is filed against the petitioner is the contention.

5. Learned Prosecutor opposed the bail application. Materials in

the case diary do not justify the petitioner's claim for a pre-arrest bail.

Therefore, the following directions:

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, the petitioner 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 the petitioner does not surrender before the investigating officer within the said time, the investigating officer is free to arrest them, as if no order is passed in this case.

Application is disposed of.

A. HARIPRASAD, JUDGE.

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