

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Bail Appl..No. 6074 of 2015

CRIME NO. 615/2015 OF ENATHU POLICE STATION, PATHANAMTHITTA

PETITIONER/3RD ACCUSED:

**AKHIL, AGED 29 YEARS,
S/O. VIKRAMAN PILLAI, PARAVILAPUTHEN VEEDU,
MANNADY P.O., ADOOR, PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.D.KISHORE
SMT.MINI GOPINATH**

RESPONDENTS/STATE AND COMPLAINANT:

**1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

**2. THE SUB INSPECTOR OF POLICE,
ENATHU POLICE STATION,
PATHANAMTHITTA DISTRICT-689645.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A No.6074 of 2015

Dated this the 12th day of October, 2015.

ORDER

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

2. Petitioner is the 3rd accused in Crime No.615 of 2015 of Enathu Police Station registered for offences punishable under Sections 341, 294(b), 323, 506(ii) and 308 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that on 04-06-2015 at about 10.00 p.m., while the defacto complainant was standing by the side of a road, accused Nos.1 to 4 assaulted him by punching on the chest and inflicted a head injury with a sword stick below the left eye and thereby committed the aforementioned offences.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. Petitioner pleads innocence.

5. Learned counsel for the petitioner submitted that the weapon was used by the second accused. There is no case for the prosecution that this accused used any weapon during the course of transaction. It is alleged that he assaulted the victim and threatened to kill him. He is involved in other crimes of similar nature. Considering the nature of allegations, I am of the view that the petitioner is not entitled to get pre-arrest bail.

Hence, following directions are issued :

The petitioner shall surrender before the Investigating Officer within a period of one week from today and submit himself for interrogation. Thereafter, he shall be produced before the learned Magistrate having jurisdiction on the same day. The petitioner is free to move for regular bail before the court below. In that event, the application shall be considered on merits as expeditiously as possible. If petitioner does not surrender in the stipulated time, the Investigating Officer is free

to arrest him as if no order is passed in this matter.

**Sd/-
A.HARIPRASAD,
JUDGE.**

//True copy//

P.A to Judge

amk