

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Bail Appl..No. 6133 of 2015 ()

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CRIME NO. 1401/2015 OF OCHIRA POLICE STATION.**

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PETITIONER/3RD ACCUSED:

**GOVINDAN, AGED 19 YEARS,
S/O.SURENDRAN PILLAI, VAZHUVELITHARAYIL,
MANAPPALLY, SRP MARKET P.O, THAZHAVA,
KARUNAGAPPALLY.**

BY ADV. SRI.V.PHILIP MATHEW.

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A No.6133 of 2015

Dated this the 14th 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.1401 of 2015 of Ochira Police Station registered for offence punishable under Sections 143, 147, 148, 308, 324(b) and 326 r/w Section 149 I.P.C.

3. Prosecution case, in short, is that on 24-08-2015 at about 10.15 p.m., the accused persons as members of an unlawful assembly armed with iron rods, wooden sticks etc. attacked the defacto complainant.

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

5. Learned counsel for the petitioner submitted that there is no allegation that the petitioner has committed any overtact in the incident. Learned Public Prosecutor referring to the materials in the case diary submitted that the petitioner along

with other accused used sticks in the incident. Custody of the petitioner is necessary for the purpose of recovery of materials. Considering the entire facts and circumstances, I am not inclined to grant pre-arrest bail to the petitioner. Therefore, 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.

amk

Sd/-
A.HARIPRASAD,
JUDGE.
//True copy//

P.A to Judge