

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. 6136 of 2015 ()

**CRIME NO. 1150/2015 OF KADAKKAVOOR POLICE STATION,
THIRUVANANDAPURAM**

PETITIONERS/A1 & A2 :

- 1. JOSE AGED 47 YEARS
S/O.ANTONY, 164(11/635A), PARANKIMAMVILA
KAVALAYOOR, MANAMPOOR, VARKALA,
THIRUVANANTHAPURAM.**
- 2. STANELY @ ROBINSON,
S/O.ANCHELOS, 162, PARANKIMAMVILA,
KAVALAYOOR, MANAMPOOR, VARKALA,
THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
KADAKKAVOOR POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

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:**

bp

A.HARIPRASAD, J.

B.A. No.6136 of 2015

Dated this the 12th day of October, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 1 and 2 in Crime No.1150 of 2015 of Kadakkavoor Police Station registered for offences punishable under Sections 354, 427, 447, 294(b), 324 and 326 read with Section 34 of the Indian Penal Code seek pre-arrest bail.

3. The incident which gave rise to the crime happened on 28.08.2015 at about 3.00 p.m. It is alleged that while the defacto complainant and his family were returning home, the petitioners and other accused persons stopped his car and asked money for Onam celebration. Dissatisfied with the amount gave, they wrongfully restrained the vehicle and uttered obscene words. Thereafter at 4.00 p.m. they attacked the defacto complainant by using weapons causing fracture of metacarpal bone and other injuries.

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

5. Learned counsel for the petitioners submitted that in

connection with the incident, another crime is registered. Annexure-B is the first information report registered by the same Police bearing No.1169 of 2015 revealing offences punishable under Sections 427, 143, 147, 149, 294(b), 323, 324 and 326 of the Indian Penal Code. In the incident, second petitioner sustained fracture of facial bone.

After hearing counsel on both sides, following directions are issued:

Petitioners shall surrender before the investigating officer within a period of one week and submit themselves for interrogation. Thereafter, the investigating officer shall produce them before the Magistrate having jurisdiction on the date of surrender itself. In that event, they are 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 petitioners do 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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