

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. 6137 of 2015 ()

CRIME NO. 900/2015 OF ADIMALY POLICE STATION, IDUKKI DISTRICT

PETITIONER/ACCUSED :

**SUBAIR, AGED 45 YEARS,
S/O. KASIM, NEDUVELYKKIZHAKKETHIL HOUSE,
NEAR JUMA MASJID, ADIMALY, MANNAMKANDOM VILLAGE,
IDUKKI DISTRICT.**

BY ADV. SRI.S.JIJI

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 12-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.6137 of 2015

Dated this the 12th day of October, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the husband of the defacto complainant. He is involved in offences punishable under Sections 498A, 324 and 323 of the Indian Penal Code and Section 23 of the Juvenile Justice (Care and Protection of Children) Act, 2000. Adimali Police registered Crime No.900 of 2015 against the petitioner.

3. Prosecution case is that the petitioner married the defacto complainant in 1997. Shortly after the marriage, he started harassing her demanding more dowry. On 31.5.2015 at about 11.30 hours in the night, the accused physically assaulted the defacto complainant and their child and thereby committed the said offences. Petitioner used a sickle to attack 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 contradiction in the version of the defacto complainant. In the first

information statement, it is mentioned that a sickle was used and in the statement given to the Doctor revealed from the wound certificate, it was shown that a chopper was used. Fact remains that the defacto complainant sustained a wound on scalp.

Considering the nature of allegations, I deem it fit to pass appropriate directions. Hence the following order:

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 petitioner 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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