

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937**

**Bail Appl..No. 6144 of 2015 ()**

**CRIME NO. 1279/2015 OF VAIKOM POLICE STATION,  
KOTTAYAM DISTRICT**

**PETITIONERS:- (ACCUSED NO. 5 & 7):**

- 1. SHANU, S/O.SHAJI, AGED 24 YEARS,  
RESIDING AT VALAYIL HOUSE, THANEERMUKKOM P.O.,  
CHERTHALA, ALAPPUZHA DISTRICT.**
- 2. MANU, S/O. SHAJI, AGED 21 YEARS,  
RESIDING AT VALAYIL HOUSE,  
THANEERMUKKOM P.O.,  
CHERTHALA, ALAPPUZHA DISTRICT**

**BY ADVS.SRI.HARISH R. MENON  
SRI.K.T.SHYAMKUMAR**

**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 09-10-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**bp**

**A.HARIPRASAD, J.**

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**B.A. No.6144 of 2015**  
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**Dated this the 9<sup>th</sup> day of October, 2015**

**ORDER**

Application under Section 438 of the Code of Criminal Procedure.

2. Accused 5 and 7 in Crime No.1279 of 2015 of Vaikom Police Station registered for offences punishable under Sections 143, 147, 148, 324, 326 and 307 read with Section 149 of the Indian Penal Code seek pre-arrest bail.

3. The incident which gave rise to the crime happened on 26.07.2015 at about 5.30 p.m. It is alleged that the petitioners along with other accused as members of an unlawful assembly armed with deadly weapons attacked the defacto complainant.

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

4. Learned counsel for the petitioners submitted that this is a false case foisted on them. In fact there were two incidents. In the incident which took place at 5.30 p.m. on the same day, three accused persons in the crime sustained injuries and the petitioners are friends of the injured

accused persons. Subsequently they were taken to the hospital and the petitioners and the injured accused were not there when the second incident took place at 6.00 p.m.

5. Learned Prosecutor opposed the bail application contending that the defacto complainant sustained very serious injuries. That apart, the injuries sustained by the accused persons in the crime as borne out from the wound certificate are trivial in nature. Further the Prosecutor contended that there are allegations against the petitioners that they used iron pipe to unleash an attack on the defacto complainant.

After considering the entire matters, I deem it fit to pass appropriate directions. Hence the following order:

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.**

**cks**