

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

Bail Appl..No. 6225 of 2015 ()

CRIME NO. 1209/2015 OF SAKTHIKULANGARA POLICE STATION,KOLLAM DISTRICT

PETITIONER/ACCUSED:

**GEORGE JOSEPH @ JOLLY GEORGE, AGED 60 YEARS,
S/O. JOSEPH, PRADEEP BHAVANAM, PUTHENTHURUTHU,
SAKTHIKULANGARA, KOLLAM DISTRICT.**

**BY ADVS.SRI.C.RAJENDRAN
SRI.K.R.RANJITH**

RESPONDENT/COMPLAINANT:

**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 03-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A. HARIPRASAD, J.

Bail Appl. No.6225 of 2015

Dated this the 3rd day of November 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the sole accused in Crime No.1209 of 2015 of Sakthikulangara Police Station registered for the offences punishable under Secs.447, 323, 324, 326 and 294(b) of the Indian Penal Code. It is submitted that subsequently, the offence under Sec.447 IPC has been deleted. Prosecution case in short is that, 20.08.2011 at about 8.30 pm., the petitioner attacked the defacto complainant with a chopper causing injuries and in that process the defacto complainant sustained displaced fracture over zygomatic arch with other injuries.

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

4. Learned counsel for the petitioner fairly conceded that this is the 2nd application for pre arrest bail. It is also submitted that by deletion of Sec.447 IPC,

there is a change of circumstance. According to him, the venue of the incident had been now shifted and there is some change in the time of incident.

5. This Court, as per order in B.A. No.5688 of 2015 dismissed the application, giving an option to the petitioner to surrender before the Court concerned. I am not impressed with the submissions of the learned counsel to hold that there is a change of circumstance which should prompt the Court to invoke the extraordinary jurisdiction under Sec.438 Cr.P.C. Essentially, the earlier order directed him to surrender and seek regular bail. I do not find any reason to deviate from that order. It is made clear that the use of the expression 'application stands dismissed' may not cause prejudice to the rights of the accused to surrender before the Court.

The bail application is disposed of with the above observations.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

P.A. To Judge