

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

Bail Appl..No. 6495 of 2015 ()

CRIME NO. 1598/2015 OF SASTHAMCOTTA POLICE STATION, KOLLAM DISTRICT

PETITIONER/ACCUSED A-1 :

**SAHID
AGED 18 YEARS, S/O.SALAHUDEEN,
KANIYAMPARAMPIL VADAKKATHIL
SOUTH MYNAGAPPALLY, MYNAGAPPALLY VILLAGE
KUNNATHOOR TALUK, KOLLAM DISTRICT.**

BY ADV. SRI. P.V. DILEEP

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A. No.6495 of 2015

Dated this the 18th day of November, 2015

ORDER

Petitioner is the first accused in Crime No.1598 of 2015 of Sasthamcotta Police Station registered alleging offences punishable under Sections 341, 294(b), 323, 324 and 326 read with Section 34 of the Indian Penal Code. He seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure.

2. Case against the accused persons is that on 07.09.2015 accused 1 and 2 came on a motor bike and first accused attacked the defacto complainant with a free wheel of bicycle causing nasal bone fracture and other injuries.

3. Heard both sides.

4. Learned counsel for the petitioner submitted that the second accused has been granted pre-arrest bail as per order on B.A.No.5823 of 2015.

5. Learned Prosecutor opposed the bail application contending that this accused stand on a different footing. It is also contended that the petitioner allegedly used a weapon against the defacto complainant.

Considering the nature of allegations, following directions are issued:

In the event the petitioner surrenders before the investigating officer within a period of two weeks from today, he shall be produced before the learned 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 and pass appropriate orders as expeditiously as possible, if possible on the date of surrender itself. If the 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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