

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Bail Appl..No. 6666 of 2015

**CRIME NO. 1086/2015 OF MANNANTHALA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**
.....

PETITIONER/ACCUSED:

**JAYARAJ, AGED 34 YEARS,S/O GYNADAS,
VATTAVILAKATTAKKAL VEEDU,
KALLAYAM P.O, PIN:695043.**

**BY ADVS.SRI.R.T.PRADEEP
SRI.C.V.BIMAL ROY
SMT.M.BINDUDAS**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
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 23-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

Bail Appl. No.6666 of 2015

Dated this the 23rd day of November 2015

O R D E R

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

2. Petitioner is the accused in Crime No.1086 of 2015 of Mannanthala Police station registered for the offences punishable under Secs.341, 294(b), 324 and 326 of the Indian Penal Code. Prosecution case in short is that the accused on 27.09.2015 at about 20.30 hours waylaid the auto rickshaw driven by the defacto complainant and questioned the defacto complainant for filing a complaint against the accused. Thereafter, he attacked the defacto complainant with an iron rod causing fracture and other injuries.

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

4. Learned counsel for the petitioner submitted that the petitioner is innocent of all the allegations and he is not involved in this crime. The name of the petitioner is Jayaraj. According to the First Information Statement,

one Shanmughan Kuttan attacked the defacto complainant.

5. Learned Public Prosecutor on instructions and based on an undated report by the Sub Inspector of Police, Mannanthala submitted that the investigating officer has filed a report before the Magistrate having jurisdiction that the correct identity of the accused is Jayaraj @ Shanmughan Kuttan.

Considering the nature of allegations, I am not inclined to grant pre arrest bail to the petitioner. Hence, following directions are issued.

The petitioner shall in two weeks surrender before the Magistrate having jurisdiction. Thereafter, the petitioner is free to move for bail before the learned Magistrate and in that event, the learned Magistrate may consider the application on merits if possible on the date of surrender itself. If the petitioner does not comply with the direction of surrender

within a period of two weeks, the investigating officer in Crime No.1086 of 2015 of Mannanthala Police station is free to arrest the petitioner as if no order is passed by this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/23/11/2015

P.A. To Judge