

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 6770 of 2015 ()

**-----
CRIME NO. 1450/2015 OF KUNNATHUNADU POLICE STATION, ERNAKULAM DIST.**

.....

PETITIONER/ACCUSED:

**SIVAN, AGED 70 YEARS,
UPPUMATTATHIL HOUSE, MAZHUVANNOOR VILLAGE,
KUNNATHUNADU, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.T.A.UNNIKRISHNAN,
SRI.K.K.AKHIL.**

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.ABHIJET LESSLIE.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

RAJA VIJAYARAGHAVAN.V. J

B.A.6770 of 2015

Dated 30th October, 2015

ORDER

- 1.This is an application filed u/s 438 of the Code of Criminal Procedure, seeking pre-arrest bail.
- 2.The petitioner is the accused in crime No.1450 of 2015 of Kunnathunade police station, Ernakulam. The said crime has been registered u/s 506(1), 341, 324, 326 of the IPC.
- 3.The allegation is that the petitioner brutally assaulted his neighbour on 10.10.2015 at 5.45 pm causing serious injuries.
- 4.The learned counsel appearing for the petitioner submitted that it was in connection with a property dispute that the incident had occurred

5.The learned Public Prosecutor, on the other hand, submitted that grave injuries were sustained by the informant and the petitioner is not entitled to the relief of anticipatory bail.

6.Having regards to the injuries sustained by the informant, I am of the view that relief of pre arrest bail cannot be granted to the petitioner. Taking note of the advanced age of the petitioner, an opportunity can be granted to him to surrender before the Investigating Officer and to co-operate with the investigation.

7.In the result, this bail application is dismissed. However, the petitioner, if he so desires or is so advised, may surrender before the Investigating Officer within ten days from today and in such case, the Investigating Officer shall interrogate the petitioner, and conduct necessary investigation and, thereafter, produce the petitioner without delay before the jurisdictional Magistrate, where the petitioner can move for bail. If

the petitioner so appears and applies for bail, needless to say, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously, preferably on the date of surrender itself.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True copy//

P.S. To Judge