

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Bail Appl..No. 6829 of 2015 ()

CRIME NO. 478/2015 OF KODUVALLY POLICE STATION, KOZHIKODE DISTRICT

PETITIONER/1ST ACCUSED :

**MUHAMMED SHANU
S/O.ABDUL SALEEM T.P., THALAPADIKKAL HOUSE
MANIPURAM P.O., KODUVALLY VIA., KOZHIKODE.**

BY ADV. SRI.SANTHARAM P.

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSEUCTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 31
THROUGH STATION HOUSE OFFICER, KODUVALLY POLICE
KOZHIKODE DIST.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

Bail Appl. No.6829 of 2015

Dated this the 17th day of November 2015

ORDER

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

2. Petitioner is the 1st accused in Crime No.478 of 2015 of Koduvally Police station registered for the offences punishable under Secs.323, 324 and 307 read with Sec.34 of the Indian Penal Code. Prosecution case in short is that, on 23.09.2015 at about 5.00 p.m., the defacto complainant was attacked by the petitioner and other accused due to previous enmity. It is further alleged that the petitioner used a knife for causing injuries.

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

4. Learned Public Prosecutor produced the wound certificate to show the nature of injury sustained by the defacto complainant and the fact that the petitioner's name was mentioned in the wound certificate at the first point of time.

5. Learned counsel for the petitioner submitted

that about 5.30 p.m., on the same day, the petitioner was attacked and the Police registered Crime No.482 of 2015 of under Sec.323, 324 and 308 read with Sec.34 of the Indian Penal Code. After the incident, he was taken to Government hospital, Calicut. Since he was referred to Medical College, the petitioner had to go and on the way he was attacked, for which, Annexure-4 crime had been registered as Crime No.729 of 2015 of Vellayil Police station for the offences under Secs.143, 147, 148, 341, 323, 326 and 307 read with Sec.149 IPC. It is the case of the petitioner that the defacto complainant and his henchmen are attacking the petitioner fearing that he may divulge their anti-national activities.

Considering the nature of allegations, following directions are issued.

The petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation. After questioning the petitioner, the investigating officer shall

produce the petitioner before the learned Magistrate having jurisdiction on the date of surrender itself. 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.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/17/11/2015

P.A. To Judge