

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

Bail Appl..No. 6924 of 2015

**CRIME NO. 1475/2015 OF NEMOM POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER(S)/IST AND 2ND ACCUSED :

- 1. NOWSHAD, AGED 24 YEARS,
S/O.NAZEER, CHANNELIKKARA CHEMPILAVILA, EDACKKODU,
PALLICHAL, THIRUVANANTHAPURAM.**
- 2. VISHAK S., AGED 18 YEARS,
S/O.SASI T., CHANNELIKKARA CHEMPILAVILA, EDACKKODU,
PALLICHAL, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.A.CHANDRA BABU
SRI.M.S.MOHAMMED SHAMIM**

RESPONDENT(S)/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
NEMOM POLICE STATION, THIRUVANANTHAPURAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A. HARIPRASAD, J.

Bail Appl. No.6924 of 2015

Dated this the 26th day of November 2015

O R D E R

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

2. Petitioners are accused nos.1 and 2 in Crime No.1475 of 2015 of Nemom Police station registered for the offences punishable under Secs.294(b), 341, 324 and 308 read with Sec.34 of the Indian Penal Code. Prosecution case is that on 27.08.2015 at about 11.00 p.m., the accused persons, on account of previous enmity towards the defacto complainant unlawfully restrained him and attacked him with iron lever and chopper causing him injuries.

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

4. Learned counsel for the petitioners submitted that the prosecution case is totally untrue.

5. Learned Public Prosecutor opposed the bail application contending that the allegations are justified by the injuries seen in the wound certificate. The

weapons used in the incident could not be recovered so far.

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

The petitioners shall surrender before the Investigating Officer within a period of two weeks from today and submit themselves for interrogation. After questioning the petitioners, the Investigating Officer shall produce them before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioners are 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 /