

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. 6946 of 2015 ()

CRIME NO. 901/2015 OF NALLALAM POLICE STATION, KOZHIKODE DISTRICT

PETITIONER/IST ACCUSED :

**K.SUNIL KUMAR
AGED 35 YEARS, S/O.VISWANATHAN, KAYYADAVAZHIYIL
OLAVANNA P.O., KOZHIKODE - 25.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS/COMPLAINANT/STATE :

**1. THE SUB INSPECTOR OF POLICE
NALLALAM POLICE STATION, KOZHIKODE-673 001.**

**2. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM-682 031.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

**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.

Bail Appl. No.6946 of 2015

Dated this the 18th 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.901 of 2015 of Nallalam Police station registered for the offences punishable under Secs.341, 323 and 326 read with Sec.34 of the Indian Penal Code. Prosecution case is that on 18.07.2015 at about 5.30 p.m., the petitioner wrongfully restrained the defacto complainant and attacked him with an iron rod causing fracture of both bones.

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 there was an incident wherein, his mother was attacked by the defacto complainant herein.

5. Learned Public Prosecutor opposed the bail application.

On a perusal of the case diary, prima facie there are materials indicating involvement of the petitioner in the crime. The victim sustained fracture of both bones of leg in the incident. Therefore, I am not inclined to grant pre arrest bail to the petitioner. Hence, following directions are issued.

The petitioner shall surrender before the Investigating Officer within a period of two weeks from today and submit himself for interrogation. The Investigating Officer, after questioning the petitioner, shall produce him 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. 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 /
P.A. To Judge