

**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. 6959 of 2015 ()**

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CRIME NO. 1368/2015 OF CHAVARA THEKKUMBHAGAM POLICE STATION,  
KOLLAM DISTRICT.**

**.....**

**PETITIONER/ACCUSED:**

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**ABY, AGED 32 YEARS,  
S/O.SOLAMON, PADIKKAL THEKKATHIL VEEDU,  
NEAR ST.ANTONY'S CHURCH, KOIVILA MURI,  
THEVALAKKARA VILLAGE, KOLLAM DISTRICT.**

**BY ADV. SRI.K.V.ANIL KUMAR.**

**RESPONDENT/COMPLAINANT:**

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

**BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.**

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

**rs.**

**A. HARIPRASAD, J.**

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**Bail Appl. No.6959 of 2015**  
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**Dated this the 17<sup>th</sup> day of November 2015**

**O R D E R**

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

2. Petitioner is the sole accused in Crime No.1368 of 2015 of Chavara-Thekkumbhagam Police station registered for the offences punishable under Secs.448, 323, 324, 326 and 506(ii) of the Indian Penal Code. Prosecution case is that, the defacto complainant was in the habit of peeping into the bathroom of the petitioner's house. On 01.10.2015 at about 10.30 p.m., the petitioner attacked the defacto complainant with iron rod and hammer causing fractures on his zygomatic arch and other facial bones.

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

4. Learned counsel for the petitioner submitted that there is inordinate delay in filing the First Information Statement.

5. In answer to that, the learned Public Prosecutor submitted that the petitioner was taken to

Medical College for expert management so that he could not give statement to the Police in time. Apart from other materials, wound certificate shows that the victim sustained grave injuries in the attack. Even, the name of the petitioner is seen mentioned in the wound certificate.

Having heard the learned counsel on both sides, I am not inclined to grant pre arrest bail to the petitioner. Hence, following directions are issued.

In the event of the petitioner surrenders before the investigating officer within two weeks, he shall be questioned and produced 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 /