

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

Bail Appl..No. 6962 of 2015

CRIME NO. 317/2015 OF MAYYIL POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/ACCUSED NO.3 :

**DHANEESH KUMAR.R, AGED 36 YEARS,
S/O.A.K.NARAYANAN, PARVATHI NIVAS, MANIYOOR AMSOM,
DESOM, CHERUVATHALAMOTTA, CHEKKIKULAM P.O.,
KANNUR DISTRICT.**

**BY ADVS.SRI.K.C.SANTHOSHKUMAR
SMT.K.K.CHANDRALEKHA**

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A.No.6962 of 2015

Dated this the 20th day of November, 2015

O R D E R

Application filed under Section 438 of the Code of Criminal Procedure.

2. The petitioner is the third accused in Crime No. 317/2015 of Mayyil Police Station registered under Sections 143, 147, 148, 323, 326, 308 read with Section 149 of the Indian Penal Code. The prosecution case is that on 08-04-2015 the accused persons in furtherance of a common object armed with deadly weapons attacked the de facto complainant causing serious injuries.

3. Heard both sides.

4. The learned counsel for the petitioner submitted that the petitioner was working abroad and he could not appear before the court.

5. After closing investigation a charge has been filed before the court having jurisdiction and the matter is pending in committal proceedings.

6. At this stage, I do not propose to invoke the jurisdiction of this Court under Section 438 of Code of

Criminal Procedure. However, if the petitioner surrenders before the Magistrate having jurisdiction and moving for bail, the learned Magistrate shall consider the matter on merit in accordance with law as expeditiously as possible if possible on date of filing.

Sd/-
A.HARIPRASAD, JUDGE.

AVS

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PA. TO JUDGE