

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. 7108 of 2015 ()

**CRIME NO. 1045/2015 OF KODANAD POLICE STATION,
ERNAKULAM DISTRICT**

PETITIONERACCUSED NO. I :

**BAIJU, S/O. CHELLAPPAN,
KIZHAKKAMPURATHKUDY HOUSE, KODANADU,
PERUMBAVOOR, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.ANIL K.MOHAMMED
SRI.V.S.MANSOOR**

RESPONDENT:- COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.R. REMA

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

bp

A.HARIPRASAD, J.

B.A. No.7108 of 2015

Dated this the 17th day of November, 2015

ORDER

First accused in Crime No.1045 of 2015 of Kodanadu Police Station registered alleging offences punishable under Sections 326, 324, 294(b) and 506(ii) read with Section 34 of the Indian Penal Code seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure.

2. Prosecution case is that on 18.09.2015 by 3.10 p.m., the petitioner along with other accused attacked the defacto complainant by using iron rod. Further case of the prosecution is that the petitioner threatened the defacto complainant with a knife that he would be finished of.

3. Heard both sides.

4. Learned counsel for the petitioner submitted that the iron rod even according to the prosecution case was jettisoned at the place of occurrence. It is also submitted that no custodial interrogation is necessary.

5. Learned Prosecutor opposed the bail application contending that the iron rod could not be recovered and further the knife allegedly wielded of by the petitioner has to be recovered.

Considering the entire facts, following directions are issued:

In the event the petitioner surrenders before the investigating officer within a period of two weeks from today, he shall be produced before the learned Magistrate having jurisdiction on the date of surrender itself. In that event, he is free to move for bail and the learned Magistrate shall consider the application on merits and pass appropriate orders as expeditiously as possible, if possible on the date of surrender itself. If petitioner does not surrender before the investigating officer within the said time, the investigating officer is free to arrest him, as if no order is passed in this case.

Application is disposed of.

A. HARIPRASAD, JUDGE.

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