

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. 7115 of 2015

**CRIME NO. 841/2015 OF MARANALLOR POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**
.....

PETITIONER/ACCUSED:

**SUBHASH, AGED 34, S/O.SUNDARAN,
THOTTADITHALAKKAL PUTHENVEEDU,
PULLUVARAMBU, KARINGAL, KANADALA,
MARANALLOOR VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT/STATE:

**STATE OF KERALA, REPRESENTED BY
THROUGH THE SUB-INSPECTOR OF POLICE,
MARANALLOOR POLICE STATION
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 18-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

Bail Appl. No.7115 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.841 of 2015 of Maranalloor Police station registered for the offences punishable under Secs.294(b), 323, 324 and 354 of the Indian Penal Code. Prosecution case in short is that on 10.10.2015, the petitioner attacked the defacto complainant and fisted her. Thereafter, he tore the nightie worn by the defacto complainant at a public place and thereby committed the offence under Sec.354 IPC. When another lady came to rescue the defacto complainant she was also attacked.

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

4. Learned counsel for the petitioner submitted that there was a dispute between the petitioner and his wife and wife's relatives intervened in the matter. In connection with that incident, there was a scuffle. The

defacto complainant is also a relative of the petitioner. She also intervened in the incident. According to the learned counsel, the incident was happened at the compound of the petitioner and not at a public place. Learned counsel for the petitioner, relying on annexures A and B contended that in the incident the petitioner also sustained injuries and he was taken to General hospital, Neyyattinkara.

5. I have perused the case diary. The statement of the defacto complainant and other witnesses do not prima facie support the case of the petitioner. I find no justification to grant pre arrest bail to the petitioner in this case. Therefore, 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 him, 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 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 /

NS/18/11/2015

P.A. To Judge