

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 7154 of 2015

CRIME NO. 3120/2015 OF KARUNAGAPALLY POLICE STATION, KOLLAM DISTRICT.
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PETITIONER/1ST ACCUSED:

**THARUN @ ACHU, AGED 22,
S/O.GOPALAKRISHNAN, KAIPPALLIL,
VAYANAKAM, OACHIRA VILLAGE,
KARUNAGAPPALLY, KOLLAM DISTRICT.**

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K.P.JYOTHINDRANATH, J.

B.A.No.7154 OF 2015

Dated this the 2nd day of December , 2015

ORDER

This is an application filed under Section 438 of Cr.P.C.

2. When the matter came up before this Court, the learned counsel for the petitioner submitted before me that the petitioner is now apprehending arrest and detention in Crime No.3120/2015 of Karunagappally police station which is registered for the offence under Section 308 r/w Section 34 of IPC.

3. It is submitted that the allegation is that the petitioner inflicted injury by a sword near and lateral to the eye of the defacto complainant. It is the submission that as per the prosecution allegation itself, the petitioner was travelling on a motor bike as a pillion rider. It is also the case of the prosecution that the defacto complainant questioned the taking of alcohol in a public place by the accused and as such the incident occurred. It is the submission that actually the petitioner was attacked by the defacto complainant and others, who

were decorating the election committee office.

4. I perused the case diary produced before me for perusal. On a perusal, it is found that the injury is on the lateral side of the eye which is measuring only 3 cm. x 1 cm. x .5 cm. After considering the nature of the injury and also considering the submission of the learned Public Prosecutor that the weapon and the vehicle have to be recovered, the following order passed :

The petitioner shall surrender before the Investigating Officer within ten days of this order. On such surrender, the Investigating Officer is at liberty to interrogate the petitioner. If the interrogation is not over, the Investigating Officer is at liberty to continue the interrogation on the next day or on a day fixed by the Investigating Officer which should be within seven days of such surrender and after the interrogation, if the Investigating Officer feels that an arrest is necessary, he is at liberty to arrest the petitioner. After the arrest, if any recovery is necessary, that also can be made. Thereafter, the petitioner shall be immediately produced before the concerned Magistrate and if a bail application is moved with advance notice to

the Prosecutor regarding the intention of surrender and moving bail application, the said bail application shall be disposed of on the very same day on which the petitioner is produced before the Magistrate as directed above.

With the above direction, this application is dismissed.

K.P.JYOTHINDRANATH
JUDGE

SV.