

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Bail Appl..No. 7180 of 2015 ()

CRIME NO. 2880/2015 OF KARUNAGAPALLY POLICE STATION,KOLLAM DISTRICT

PETITIONER/IST ACCUSED:

**MR.NAJAD, AGED 30 YEARS,
RESIDING AT N.N. COTTAGE, KADATHOOR, THAZHAVA,
KARUNAGAPPALLY, KOLLAM DISTRICT.**

BY ADV. SRI.S.SREEKUMAR (KOLLAM)

RESPONDENT/STATE:

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM
THROUGH THE SUB INSPECTOR OF POLICE,
KARUNAGAPPALLY POLICE STATION.**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A. HARIPRASAD, J.

Bail Appl. No.7180 of 2015

Dated this the 19th day of November 2015

O R D E R

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

2. Petitioner is the 1st accused in Crime No.2880 of 2015 of Karunagappally Police station registered for the offences punishable under Secs.294, 323, 427 and 308 read with Sec.34 of the Indian Penal Code. Prosecution case is that, on 27.09.2015 at about 8.00 p.m., the petitioner along with other accused attacked the defacto complainant. The petitioner used an iron rod in the incident.

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

4. Learned counsel for the petitioner submitted that in the scuffle, the defacto complainant fell down and sustained injury.

5. Learned Public Prosecutor opposed the bail application contending that there are clear indications to suggest that the petitioner had used iron rod for

attacking the defacto complainant and the weapon has not been recovered.

Considering the nature of allegations, I am not inclined to grant pre arrest bail to the petitioner. Hence, 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. After questioning, the Investigating Officer shall produce the petitioner 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/19/11/2015

P.A. To Judge