

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

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

Bail Appl..No. 7401 of 2015

CRIME NO. 1143/2015 OF VATAGARA POLICE STATION, KOZHIKODE

PETITIONER(S)/ACCUSED NO.3:

**SHAMNAD, AGED 25 YEARS,
S/O.KHADER, DAYAROTH, VALIYAVALLAPPU,
VATAKARA P.O., VATAKARA, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.PRASUN.S
SRI.PAUL MATHEW (PERUMPILLIL)
SRI.P.V.SREENIJIN
SMT.K.B.SONY
SRI.J.S.RAJESH BABU**

RESPONDENT(S)/COMPLAINANT /STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
PIN-682031, REPRESENTING THE SUB INSPECTOR OF POLICE,
VATAKARA POLICE STATION.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

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

PJ

A. HARIPRASAD, J.

Bail Appl. No.7401 of 2015

Dated this the 2nd day of December 2015

ORDER

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

2. Petitioner is the 3rd accused in Crime No.1143 of 2015 of Vatakara Police station registered for the offences punishable under Secs.323, 324, 341 and 307 read with Sec.34 of the Indian Penal Code. Prosecution case is that, on 27.10.2015 at about 10.00 p.m., on account of previous hostility, the accused persons attacked the defacto complainant for having questioned the misbehaviour meted out to the sister of the defacto complainant. The 1st accused stabbed the defacto complainant. The petitioner is said to have put sand in the eyes of the defacto complainant before he was attacked by the 1st accused.

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

4. I have perused the case diary. I do not find

any reason to invoke the extra ordinary jurisdiction under Sec.438 Cr.P.C. Hence, following directions are issued in this case.

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. If the petitioner does not surrender as directed, the investigating officer is free to arrest him after the stipulated time.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /
P.A. To Judge

NS/02/12/2015