

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

Bail Appl..No. 7421 of 2015 ()

CRIME NO. 1321/2015 OF KAZHAKKUTTOM POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)(APPREHENDING ARREST):

1. ANAND, AGE 24
S/O.KOMALAN, PUTHENVEEDU, VSSC ROAD
KULATHOOR.P.O., KAZHAKUTTOM, THIRUVANANTHAPURAM.
2. MUKTAR ,AGE 24
S/O.RASHEED, THOTTUMUZHAM, KODIVILAKOM
MUKKOLAKKAL, KULATHOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE:

STATE OF KERALA
REPRESENTED BY THE INSPECTOR OF POLICE
KAZHAKUTTOM CIRCLE, THIRUVANANTHAPURAM DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR MS.T.Y.LALIZA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

A.HARIPRASAD, J.

B.A. No.7421 of 2015

Dated this the 16th day of December, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 4 and 5 in Kazhakuttom Police Station crime No.1321 of 2015 registered for offences punishable under Sections 294(b), 323, 324 and 307 read with Section 34 of the Indian Penal Code.

3. Allegation is that on 04.11.2015 at 9.30 p.m., the accused persons 1 to 4 attacked the defacto complainant. The first accused used a chopper to inflict injury on the defacto complainant. Other accused persons threw soda bottles into an union office and thereby they participated in the melee.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the petitioners are totally innocent. They did not take part in the incident.

6. Statements of the witnesses show their active role. Therefore I am not inclined to grant pre-arrest bail to the petitioners. Considering the nature of injury sustained by the defacto complainant and another person, I am of the view that the petitioners shall surrender and co-operate in the

process of investigation. Hence the following order:

In the event the petitioners surrender before the investigating officer within a period of two weeks from today, they shall be questioned thoroughly and produced before the Magistrate having jurisdiction on the date of surrender itself. In that event, they are 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 filing itself. If petitioners do not surrender before the investigating officer within the said time, the investigating officer is free to arrest them, as if no order is passed in this case.

Application is disposed of.

A. HARIPRASAD, JUDGE.

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