

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Bail Appl..No. 7528 of 2015

CRIME NO. 2352/2015 OF KOTTARAKKARA POLICE STATION , KOLLAM

PETITIONER/ACCUSED A1:

KRISHNAKUMAR AGED 38 YEARS
S/O. SIVASANKARAPILLAI, KAKUZHAYIL, THEKKUMBHAGOM MURI
THEKKUMBHAGOM VILLAGE, KARUNAGAPPALLY THALUK
KOLLAM DISTRICT.

BY ADV. SRI.P.V.DILEEP

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR R.GITHESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

RAJA VIJAYARAGHAVAN.V. J

B.A. 7528 of 2015

Dated 21st December, 2015

ORDER

- 1.This is an application seeking pre-arrest bail filed u/s 438 of the Code of Criminal Procedure.
- 2.The petitioner is the 1st accused in crime No.2352 of 2015 of Kottarakkara police station. The said crime has been registered for offence punishable u/s 147, 148, 341, 323, 324, 326 r/w S.149 of the IPC.
- 3.The gist of the allegation is that, on 21.9.2015 at 9.45 p.m, while the de facto complainant was on his way home, five persons who could be identifiable by sight, obstructed and attacked him with iron rods and swords causing grave injuries .
- 4.I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.

5. The learned counsel appearing for the petitioner has submitted that in the FIR , reference is made only to identifiable persons and no mention is made about the petitioner.
6. The learned Public Prosecutor vehemently opposed the the prayer of pre-arrest bail and submitted that the investigation revealed the complicity of the petitioner.
7. After having bestowed my anxious consideration to the rival contentions, I am of the view that this is not a fit case where relief of pre-arrest bail can be granted to the petitioner. I am of the view that an opportunity can be granted to the petitioner to surrender before the Investigating Officer and to co-operate with the investigation.
8. In the result, the bail application is disposed of directing that the petitioner, if he is so advised, may surrender before the Investigating Officer within two

weeks from today and in such case, the Investigating Officer shall interrogate the petitioner, effect recovery if any, and conduct necessary investigation and thereafter, produce the petitioner without delay before the jurisdictional Magistrate, where the petitioner can move for bail. If the petitioner so appears and applies for bail, with advance notice to the other side , the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously, preferably on the date of surrender itself.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs/21/12/2015

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P.S To Judge