

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Bail Appl..No. 7885 of 2015

CRIME NO. 1877/2015 OF NEMOM POLICE STATION, THIRUVANANTHAPURAM.
.....

PETITIONER/1ST ACCUSED:

**AJIKUMAR, AGED 33 YEARS,
S/O.GOPALAKRISHNAN NAIR,
THUMBOTHU VEEDU, SWATHI NAGAR,
NEMOM P.O., THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.R.GOPAN

RESPONDENT(S)/COMPLAINANTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE,
NEMOM POLICE STATION,
THIRUVANANTHAPURAM - 695 001.**

BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K.P. JYOTHINDRANATH, J.

B.A. No. 7885 of 2015

Dated this the 17th day of December, 2015

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure. The case of the petitioner is that the petitioner is the accused in crime No.1877/2015 of Nemom Police Station. The offence alleged is under Sections 324, 308 read with Section 34 of Indian Penal Code as well as under Sections 341 and 294(b) of Indian Penal Code.

2. The facts in a nutshell is that the de facto complainant in this case sustained a stab injury on the abdominal area. It can be further seen that the petitioner's mother's younger sister's daughter was allegedly had some love affair with the de facto complainant and now that relationship strained and no marriage took place. It appears

that thereafter, the petitioner, who is the first accused along with two others restrained the de facto complainant and the first accused inflicted the injury using a chopper. Injured was treated in a hospital and from there, the first information was recorded. In this case, it can be seen that recovery of weapon is necessary. The details regarding the other two accused also has to be collected.

Thus it is an indication that interrogation is necessary. When the offence is under Section 308 as well as interrogation is highly necessary, I feel that it may not be proper to use the extra ordinary jurisdiction under Section 438 of the Code of Criminal Procedure vested on this Court. Under such circumstances, this application is dismissed.

Sd/-
K.P. JYOTHINDRANATH
JUDGE

bpr

//TRUE COPY//

P.A. TO JUDGE