

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYASHTA, 1937

Bail Appl..No. 8237 of 2014 ()

CRIME NO. 2100/2014 OF KOTTIYAM POLICE STATION , KOLLAM

PETITIONER/1st ACCUSED:

PINKU, AGED 31 YEARS
S/O.STANLY, MARGRET VILLA, PULLICHIRA P O
KOLLAM DIST

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682031
2. THE SUB INSPECTOR OF POLICE
KOTTIYAM POLICE STATION, KOLLAM DIST, PIN-691001

BY PUBLIC PROSECUTOR, SHRI.R.GITHESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Bail Application No.8237 of 2014 C

Dated this the 17th day of June 2015

O R D E R

The petitioner is the first accused in crime No.2100 of 2014 of Kottiyam Police Station registered under Sections 143, 147, 148, 341, 323, 324 and 326 read with Section 149 of I.P.C. The petitioner has filed this application praying for the relief under Section 438 Cr.P.C.

2. Heard. Perused the case diary.

3. The learned Public Prosecutor has opposed the application.

4. It appears from the wound certificate appended to the case diary that the *defacto complainant* lost two teeth in the incident. He also sustained injury on his forehead and occipital area in the attack. It is alleged that the first accused in the crime, who is the petitioner herein, attacked the *defacto complainant* with a bangle causing loss of two teeth of the *defacto complainant*. The second accused in the crime attacked the *defacto complainant* with an iron pipe. The other accused persons fisted and stamped the *defacto complainant*. The *defacto complainant* questioned the petitioner and the other accused about the consuming of liquor in the open place. This is stated to be the motive for the occurrence. Considering the nature and gravity of the allegations raised against the petitioner, I am of the view that this is not a fit case where an order under Section 438 Cr.P.C. in favour of the petitioner will be

justified.

In the result, this application stands dismissed.

However, the petitioner shall be at liberty to surrender before the Sub Inspector of Police, Kottiyam Police Station within 15 days from today, if so advised. In the event of such surrender by the petitioner, the Sub Inspector of Police shall produce the petitioner before the jurisdictional Magistrate after interrogation. If the petitioner files any application for bail on his production before the jurisdictional Magistrate, the learned Magistrate shall consider and dispose of the application, in accordance with law, as expeditiously as possible.

Sd/
B.SUDHEENDRA KUMAR,
JUDGE

dl/-

// TRUE COPY //

/ PA TO JUDGE /