

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYASHTA, 1937

Bail Appl..No. 8411 of 2014 (B)

CRIME NO. 1602/2014 OF SAKTHIKULANGARA POLICE STATION, KOLLAM

PETITIONER/IST ACCUSED:

BIJU, AGED 33 YEARS
S/O.LATE FRANCIS, SUNAMI FLAT NO.8/6, OMCHERY MADAM
KANNIMELCHERI, SAKTHIKULANGARA VILLAGE
KOLLAM DISTRICT.

BY ADV. SRI.N.SUNIL JOSEPH

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
REPRESENTING THE SUB INSPECTOR OF POLICE
SAKTHIKULANGARA POLICE STATION, KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR, SHRI.RAJESH VIJAYAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Bail Application No.8411 of 2014

Dated this the 5th day of June 2015

O R D E R

The petitioner is the first accused in Crime No.1602 of 2014 of Sakthikulangara police station registered under Sections 323 and 308 read with Section 34 of I.P.C.

2. The prosecution allegation is that on 11.11.2014 at 9.10 a.m., the petitioner along with the other accused attacked the *defacto complainant* at a place in Altharamoodu junction at Sakthikulangara. The petitioner stabbed the *defacto complainant* with a knife causing incised wound on him. The petitioner has filed this application praying for the relief under Section 438

Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has opposed the application.

5. It appears that the petitioner inflicted a stab injury on the *defacto complainant* with a knife. The recovery of the knife is to be effected. The *defacto complainant* sustained incised wound in the incident. Considering the nature and gravity of the allegations raised against the petitioner, an order under Section 438 Cr.P.C. in favour of the petitioner will not be justified.

In the result, this bail application stands dismissed. However, the petitioner shall be at liberty to surrender before the Sub Inspector of police, Sakthikulangara police station within ten days from today, if so advised. In the event of such surrender by the petitioner before the sub inspector of police, the Sub Inspector of Police shall produce the petitioner before the jurisdictional Magistrate after interrogation. If the petitioner files application for bail at the time of production of the petitioner 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