

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

Bail Appl.No. 8596 of 2014

CRIME NO. 1334/2014 OF THAMPANOR POLICE STATION, THIRUVANANTHAPURAM
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PETITIONER(S)/A3:

**CHANDUKUTTAN, AGED 45,
S/O. THANKAPPAN, T.C 24/1568, IRAKKAN ROAD,
METTUKKADA, THYCAUD P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
THAMPANOR POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
19-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B. KEMAL PASHA, J.

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B.A. No. 8596 of 2014

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Dated this the 19th day of January, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the 3rd accused in Crime No.1334 of 2014 of the Thampanoor Police Station, Thiruvananthapuram, registered for the offences punishable under sections 143, 147, 148, 294(b), 323, 324, 341 and 308 r/w section 149 IPC.

3. The allegation against the petitioner and other accused is that on 28.09.2011 at 2.30PM, they attacked one Suresh, who is the friend of the defacto complainant, and when the defacto complainant, intervened for his rescue, the 2nd accused handed over a chopper to the petitioner with which the petitioner inflicted a cut aimed at the neck of the defacto complainant. When it was warded off by the defacto complainant with his left hand, he sustained fracture of his left ulna and sustained other

W.P.(C).No. of

serious injuries. It is alleged that repeatedly cuts were inflicted on his forehead etc.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. Learned counsel for the petitioner has pointed out that anticipatory bail has been granted to the 2nd and 5th accused by the learned Sessions Judge and even though the petitioner had also moved for anticipatory bail along with them, he was denied anticipatory bail by the learned Sessions Judge. It seems that all the main overt acts are alleged against the petitioner herein.

6. Learned Public Prosecutor has pointed out that there are criminal antecedents on the part of the petitioner and 107 Cr.P.C proceedings were also initiated against the petitioner.

7. Considering all the above, I am of the view that, while dismissing this application for anticipatory bail, an opportunity can be granted to the petitioner to surrender

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before the investigating officer and to co-operate with the investigation and to effect recovery of the weapon used.

8. This bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself.

Provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B. KEMAL PASHA
JUDGE

das

// True copy //

PA to Judge