

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

Bail Appl..No. 9135 of 2014 ()

CRIME NO. 1017/2014 OF VITHURA POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED :

**VIPIN RAJ, AGED 23 YEARS
S/O. RAJAN, R.G.BHAVAN, ANAPARA P.O.
VITHURA, THIRUVANANTHAPURAM.**

BY ADV. SRI.M.R.SARIN

RESPONDENTS/STATE/DEFACTO COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. THE SUB INSPECTOR OF POLICE
VITHURA POLICE STATION-695001
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

.....
B.A. No.9135 of 2014
.....

Dated this the 8th day of January, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1017/2014 of Vithura Police Station registered for the offences punishable under Sections 308, 324, 506(ii) and 294(b) IPC.

3. The allegation against the petitioner is that on 11.12.2014 at 9.15 p.m. he, out of his previous enmity towards the *defacto complainant* and his friends, abused them and indiscriminately inflicted stabs on the right chest and below the left armpit of one Baiju Mohanan, who was standing along with the *defacto complainant*, with a knife, thereby causing deep injuries. He further stabbed the *defacto complainant* aimed at his chest, which was warded off by the *defacto complainant*, which has resulted in a serious injury on the right wrist of the *defacto complainant*.

When the son of the *defacto complainant* intervened for the rescue of his father, he was also stabbed by the petitioner, thereby causing an injury.

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

5. The investigation of this case is not over. The allegations against the petitioner are very grave and serious. The custodial interrogation of the petitioner is required as the knife is yet to be recovered. Considering the facts and circumstances of the case and the present stage of the investigation, I do not think that this is a fit case wherein anticipatory bail can be granted to the petitioner.

6. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, 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)**

aks/08/01

*// True Copy //*

*PA to Judge*