

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 31ST DAY OF MAY 2017/10TH JYAISHTA, 1939

Bail Appl..No. 2542 of 2017 ()

CRIME NO. 137/2017 OF ALAKODE POLICE STATION, KANNUR

PETITIONER(S)/PETITIONER/ACCUSED:

GLAISON.K.L.,
AGED 37 YEARS, S/O.LUKOSE THOMAS,
FARMER, KARAKUNNEL HOUSE,
ERUVATTY P.O., THALIPARAMBA TALUK,
KANNUR DISTRICT

BY ADV. SRI.JOHN VARGHESE

RESPONDENT(S)/RESPONDENT/STATE & COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031
2. STATION HOUSE OFFICER,
ALAKODE POLICE STATION,
KANNUR DISTRICT-670571

BY SENIOR PUBLIC PROSECUTOR SRI.C.N.PRABHAKARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-05-2017, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

SKG

RAJA VIJAYARAGHAVAN V., J

B.A.No.2542 of 2017

Dated this the 31st day of May, 2017

ORDER

- 1.This application is filed under section 438 of the Code of Criminal Procedure.
- 2.The petitioner is arrayed as the accused in Crime No.137/2017 of Alakode Police Station. The aforesaid Crime has been registered alleging offences punishable under sections 447, 323, 326, 506(ii) of the IPC.
- 3.According to the prosecution, on 02.03.2017 at 9.00 p.m., the petitioner herein trespassed into the courtyard of the house of the de facto complainant, who is a handicapped person and after wresting the walking stick from his hand, assaulted him with the same. When his wife and children intervened, they were also assaulted.
- 4.The learned counsel for the petitioner would assert that the petitioner is innocent. The said submission is opposed by the learned public prosecutor.

5.I have anxiously considered the submissions and have perused the case diary.

6.After having heard the learned counsel for the petitioner and the learned Public Prosecutor and having perused the records, the claim of the petitioner that he is totally innocent cannot be countenanced. Prima facie, there appears to be materials against him. A deeper probe into the veracity of the allegations is not warranted at this point of time. It is seen that the medical evidence also supports the allegations. In such circumstances, this Court will not be justified in granting anticipatory bail to the petitioner.

7.However, at this stage, the learned counsel appearing for the petitioner prays that he be permitted to surrender before the investigating officer and to co-operate with the investigation. If the petitioner is so advised, he may surrender before the investigating officer, who shall interrogate him. If arrest of the petitioner is found necessary, the investigating officer

shall thereafter produce him before the jurisdictional Magistrate within the statutory period. On such production, if an application for bail is filed, the learned Magistrate shall consider the same and pass appropriate orders, expeditiously.

This application for anticipatory bail is dismissed.

Sd/-
RAJA VIJAYARAGHAVAN V.,
JUDGE

Bb/01/06/2017

[True copy]

P.A to Judge