

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 11TH DAY OF DECEMBER 2012/20TH AGRAHAYANA 1934

Bail Appl..No. 9140 of 2012 (B)

IN CRIME NO.651/2012 OF PAMPADY POLICE STATION, KOTTAYAM DISTRICT
CRMP.3399/2012 of D.C. & SESSIONS COURT,KOTTAYAM
CRMP.2866/2012 of D.C. & SESSIONS COURT,KOTTAYAM

ACCUSED (S) :

ARAVIND P.G.@ APPU, AGED 23 YEARS
S/O.GOPALAKRISHNAN, PUTHENPURAYIL, KOTHALA WEST P.O.
PAMPADY VILLAGE

BY ADV. SRI.LIJI.J.VADAKEDOM

COMPLAINANT (S) :

1. STATE OF KERALA
REP.BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM-682 031.
2. SUB INSPECTOR OF POLICE,
PAMPADY POLICE STATION, PAMPADY
KOTTAYAM DIST-686 502.

BY PUBLIC PROSECUTOR SRI.SHIBU JOSEPH.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
11-12-2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

VPV

P.BHAVADASAN, J.

B.A. No.9140 of 2012

Dated this the 11th day of December, 2012

ORDER

The petitioner, along with his brothers was arrayed as accused in Crime No.651/2012 of Pampady Police Station for having beaten up their father and they are alleged to have committed the offences punishable under Section 324, 326 and 506(ii) r/w Section 34 of IPC. Petitioner is the first accused and his brothers are accused 2 and 3. The 2nd and 3rd accused are minors and their case need not be considered now.

2. All the three brothers had moved the Sessions Court, Kottayam seeking anticipatory bail, which was granted to the 2nd and 3rd accused and the same was declined to the petitioner herein.

3. Learned counsel for the petitioner pointed out that the relationship between the father, mother and the children was far from cordial. There are several cases against the father, the details of which are given in paragraph 4 of the petition. It is also pointed out that even going by the case records now available in this case, it can be seen that the case might not be as alleged by the prosecution. It is most probably the victim who

had attacked the petitioner and brothers and they would have acted in self defence. The petitioner seeks pre-arrest bail.

4. The learned Public Prosecutor opposed the petition and pointed out that the father suffered three fractures on his ribs. The mode and the manner of attack disentitle the petitioner for any relief. It is also pointed out that the investigation is at an infant stage.

5. From the records, it is seen that the relationship between the father and the rest of his family was very unpleasant and bitter. It is also seen that the father is a retired military person and there are several crimes to his credit for having attacked the family members. However, it is seen from the records that the petitioner had hit his father with a hammer causing serious injuries to him.

6. Considering the nature of injuries inflicted on the victim, the manner in which it was inflicted and also the fact that investigation is at an infant stage preclude this Court from exercising the extraordinary jurisdiction in favour of the petitioner. The petition is accordingly dismissed.

7. However, the petitioner, if so advised, may surrender before the Investigating Officer on or before 18.12.2012, who

after interrogation shall produce him before the JFCM court concerned, which Court on bail application being moved by the petitioner may dispose it of in accordance with law, preferably on the date of production itself.

**P.BHAVADASAN,
Judge.**

okb.