

B.A. No.9468/2023

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 7TH DAY OF NOVEMBER 2023/16TH KARTHIKA, 1945

BAIL APPL. NO. 9468 OF 2023

CRIME NO.800/2023 OF PANNIANKARA POLICE STATION,

KOZHIKODE

AGAINST THE ORDER IN CRMC 1781/2023 OF DISTRICT COURT &

SESSIONS COURT, KOZHIKODE

PETITIONER/FIRST ACCUSED:

AMALNATH K. , AGED 18 YEARS ,
S/O.SATHYANATHAN, RESIDING AT MOOTHEDATH
PARAMBA, KALLAI P.O. , KOZHIKODE DISTRICT, PIN -
673003.

BY ADVS.M/S.T.MADHU, RENJISH S. MENON,
C.R.SARADAMANI, AISWARYA JAYAPAL & VRINDA T.S.

RESPONDENT/STATE:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031.

SMT.T.V. NEEMA, SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07.11.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

MOHAMMED NIAS C. P. , J.

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Dated this the 7th day of November, 2023

ORDER

Apprehending arrest in Crime No.800/2023 of Panniankara Police Station, Kozhikode, registered for offences punishable under Sections 341, 323, 326 r/w 34 of the Indian Penal Code, the first accused has filed this application, under Section 438 of the Code of Criminal Procedure, seeking anticipatory bail.

2. The prosecution case is that, on 4.10.2023 at 6.45 P.M., the accused, due to previous enmity towards the defacto complainant, as the defacto complainant had misbehaved to the sister of the first accused, had wrongfully restrained the defacto complainant in front of the gate of the house of one Bavukka at Nadancheru Road in Panniyankara Amsom. Thereupon, the first accused hit the left eye of the defacto complainant by using a hand with a ring on the forefinger. As a result, the glass of the spectacle of the defacto complainant was broken and the broken glass

pierced into the eye of the defacto complainant causing loss of eyesight and thereby, the accused committed the above offences.

3. The learned counsel appearing for the petitioner and the learned Public Prosecutor were heard.

4. After hearing the learned counsel for the petitioner and the learned Public Prosecutor, it cannot be said that the offences alleged are not attracted in the case. Considering the allegations against the petitioner and also, the gravity of injuries inflicted on the defacto complainant, I am of the view that the petitioner is not entitled to get anticipatory bail as it might adversely affect a proper investigation. However, the following directions are issued:

In the event the petitioner surrenders before the Investigating Officer within 10 days from today, he shall be interrogated and thereafter, shall be produced before the Magistrate having jurisdiction, on the date of surrender itself. If the petitioner moves for bail, the Court below shall, untrammelled by any of the observations in this order, consider the bail application on merits, as expeditiously as possible. If the petitioner does not surrender before the Investigating Officer, as directed above, the Investigating Officer will be free to arrest the

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petitioner, as if no order has been passed in this case.

The Bail Application is dismissed.

Sd/-

MOHAMMED NIAS C. P., JUDGE

MMG

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APPENDIX OF BAIL APPL.NO.9468/2023

PETITIONER'S ANNEXURE:

ANNEXURE A1

**THE CERTIFIED COPY OF THE ORDER DATED
18/10/2023 IN CRL.M.C.NO.1781/2023 ON
THE FILES OF LEARNED SESSION'S COURT;
KOZHIKODE**