

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

Bail Appl..No. 50 of 2015 ()

**CRIME NO. 988/2014 OF BEKAL POLICE STATION,
KASARAGOD DISTRICT**

PETITIONERS/ACCUSED 2,3,4,5 AND 7:

- 1. RANJITH ADUKKAM, AGED 22 YEARS,
S/O. KARIAMBU, RESIDING AT ADUKKATHIL , KEEKAN VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT**
- 2. AJITH ADUKKAM, AGED 33 YEARS,
S/O.APPAKUNHI, RESIDING AT ADUKKATHIL , KEEKAN VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT**
- 3. SURESAN ADUKKAM,
RESIDING AT ADUKKATHIL , KEEKAN VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT**
- 4. AJITH, AGED 24 YEARS, S/O. SAROJINI,
RESIDING AT ADUKKATHIL , KEEKAN VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT**
- 5. SARATH, AGED 21 YEARS,
S/O.PRABHAKARAN, RESIDING AT KARIMBUVALAPPU, KEEKAN
KEEKAN VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT**

BY ADV. SRI.T.MADHU

RESPONDENT/STATE :

**THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICE,
BEKAL POLICE STATION,
KASARAGOD DISTRICT,
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 02-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

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B.A. No.50 of 2015

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Dated this the 2nd day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A1, A4, A3, A2 and A6 respectively in Crime No.988 of 2014 of the Bekal Police Station, Kasaragod District, registered for the offences punishable under Sections 143, 147, 148, 323, 326 and 308 read with Section 149 of the Indian Penal Code.

3. The allegations against the petitioners and the other accused is that on 21.12.2014 at 7.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons, committed rioting and rioting armed with deadly weapons, and they attacked the defacto complainant and his friend. It is alleged that the 1st accused inflicted cuts with a sword stick on the face of the defacto complainant, thereby he

sustained very serious injuries.

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

5. The learned counsel for the petitioners has pointed out that there is a counter case also relating to the incident, in which one Sureshan had sustained the fracture of his left ulna. It seems that he was arrested and he was enlarged on bail. At the same time, the allegations against the present petitioners are very grave and serious. The contents of the CD *prima facie* reveal their complicity. The learned counsel for the petitioners has pointed out that no criminal antecedents have been reported against the petitioners. Considering the seriousness of the allegations against the petitioners and the present stage of the investigation, I am of the view that they are not entitled to the discretionary relief of anticipatory bail. At the same time, considering the fact that no criminal antecedents have been reported against the petitioners, I am of the view that an opportunity can be granted to the petitioners 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 petitioners may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioners, effect recovery if any, and conduct the investigation and produce the petitioners without delay before the court below, where the petitioners 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

DSV/2/3/15

// True Copy //

P.A. To Judge