

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936`

Bail Appl..No. 68 of 2015

CRIME NO. 315/2014 OF PERUVANNAMUZHI POLICE STATION , KOZHIKODE

PETITIONER(S)/2ND ACCUSED:

**SATHEESAN, AGED 44 YEARS,
S/O.KUNJIKANNAN NAIR, VENNILOTTU MEETTAL,
PERAMBRA AMSOM, PILLAPERUVANNA DESOM, KOZHIKODE.**

**BY ADVS.SRI.NIDHI BALACHANDRAN
SRI.SABU GEORGE**

RESPONDENT(S)/ STATE & COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. SUB INSPECTOR OF POLICE,
PERUVANNAMUZHI POLICE STATION- 688 496.**

BY PUBLIC PROSECUTOR SMT..T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

B.A.No.68 of 2015 C

Dated this the 3rd day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.315/2014 of Peruvannamuzhi police station registered for the offences punishable under Sections 341, 323 and 326 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that on 20.12.2014 at 8.30 p.m., they wrongfully restrained the de-facto complainant and kicked him down. When he fell down, he was stamped. It is also alleged that the petitioner took a granite stone and hit with him on his left knee, thereby causing the fracture of his left patella.

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

5. The contents of the C.D. *Prima facie* reveal the complicity of the petitioner. The allegations against the petitioner are very grave and serious. It seems that the de-facto complainant has sustained very serious injuries. This is not a fit case wherein anticipatory bail can be granted. At the same time, no criminal antecedents have been reported against the petitioner. Considering the said aspect, I am of the view that while dismissing the application seeking bail, an opportunity can be granted 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**

dl

// True Copy//

PA to Judge

