

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

Bail Appl..No. 83 of 2015 ()

**CRIME NO. 1065/2014 OF AIROOR POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONERS/ACCUSED A4,5,6,7,9,10 & 11 :

- 1. BAIJU, AGED 23 YEARS
S/O.BALAN, PARAYIL PUTHEN VEEDU, THONIPPARA
HARIHARAPURAM P.O., AYROOR VILLAGE, VARKALA
CHIRAYINKEEZHU THALUK, THIRUVANANTHAPURAM DISTRICT.**
- 2. VAISAKH, AGED 25 YEARS,
S/O.BALAN, PARAYIL PUTHEN VEEDU, THONIPPARA,
HARIHARAPURAM P.O., AYROOR VILLAGE, VARKALA,
CHIRAYINKEEZHU THALUK, THIRUVANANTHAPURAM DISTRICT.**
- 3. ARUN, AGED 23 YEARS,
S/O.RAJU, ALUVILA VEEDU, HARIHARAPURAM P.O.,
AYROOR VILLAGE, VARKALA, CHIRAYINKEEZHU THALUK,
THIRUVANANTHAPURAM DISTRICT.**
- 4. VINOD.V., AGED 24 YEARS,
S/O.BIJU, NIRMALA BHAVAN, THONIPPARA
HARIHARAPURAM P.O., AYROOR VILLAGE, VARKALA
CHIRAYINKEEZHU THALUK, THIRUVANANTHAPURAM DISTRICT.**
- 5. MANOJ, AGED 24 YEARS,
S/O.KUTTAPPAN, CHARUVILA VEEDU, THONIPPARA
HARIHARAPURAM P.O., AYROOR VILLAGE, VARKALA
CHIRAYINKEEZHU THALUK, THIRUVANANTHAPURAM DISTRICT.**
- 6. OMANAKUTTAN, AGED 26 YEARS,
S/O.KUNIRAMAN, CHARUVILA VEEDU, THONIPPARA
HARIHARAPURAM P.O., AYROOR VILLAGE, VARKALA
CHIRAYINKEEZHU THALUK, THIRUVANANTHAPURAM DISTRICT.**
- 7. SAJEEV, AGED 26 YEARS,
S/O.KOCHAYYAN, PARAYIL VEEDU, HARIHARAPURAM P.O.
AYROOR VILLAGE, VARKALA, CHIRAYINKEEZHU THALUK
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.K.V.ANIL KUMAR

Bail Appl..No. 83 of 2015 ()

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

B.A.No.83 of 2015

Dated this the 16th day of February 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused Nos.4, 5, 7, 9, 10, 11 and 6 respectively in Crime No.1065/2014 of Ayroor Police Station, Thiruvananthapuram district registered for the offences punishable under Sections 143, 147, 148, 294(b), 341, 323, 324, 427, 326 and 308 read with Section 149 of the I.P. C.

3. The allegation against the petitioner and the other accused is that on 4.11.2014 at 7 p.m., they formed themselves into an unlawful assembly, armed with deadly weapons like chopper, iron rods and sticks and had attacked the de-facto complainant and his friend. It is alleged that cuts were inflicted with a chopper and

they were severely beaten up with iron rods and sticks.

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

5. The contents of the C.D. *Prima facie* reveal the complicity of the petitioners. The investigation of this case is not over. Accused 2 and 3 were arrested, detained and subsequently, enlarged on bail. Considering the seriousness of the allegations against the petitioners and the present stage of investigation, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioners. At the same time, considering the facts and circumstances of the case, 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 concerned Judicial First Class Magistrate's Court, 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

dl

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PA to Judge