

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Bail Appl..No. 96 of 2015 ()

(AGAINST THE ORDER/JUDGMENT IN CRMP 2231/2014 of D.C. & SESSIONS &
MACT, KALPETTA DATED 11-12-2014 CRIME NO. 374/2014 OF THALAPUZHA POLICE
STATION , WAYANAD)

PETITIONER(S) / ACCUSED:

1. K.M.FRANCIS, AGED 25 YEARS,
S/O.MATHEWS, KOLLIKKUNNEL HOUSE, KAPPATTUMALA (PO)
PERIYA, WAYANAD DISTRICT

2. SHAJITH, AGED 32 YEARS,
S/O.JOSEPH, NJATTUKALAYIL HOUSE HOUSE, POROOR (PO)
WAYANAD DISTRICT

3. SHINU @ MANOJ, AGED 34 YEARS,
S/O.VASU PAREPPARAMBIL HOUSE, IDIKKARA, THALAPPUZHA
WAYANAD DISTRICT,

4. A.K RALSHAD, AGED 28 YEARS
S/O.KHALID, AMBALAVAYAL VEEDU, KANIYARAM (PO)
WAYANAD DISTRICT

5. V.M PALLY, AGED 38 YEARS
S/O. MATHEW, OOLIPARAMBIL VEEDU, POROOR (PO)
WAYANAD DISTRICT

BY ADVS.SRI.E.C.BINEESH
SMT.M.B.SHYNI

RESPONDENT(S) / COMPLAINANT:

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

R BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-
01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.96 OF 2015

Dated this the 16th day of January, 2015

O R D E R

The petition under Section 438 Cr.P.C.

2. The petitioners are accused in Crime No.374 of 2014 of Thalapuzha Police Station registered for the offences punishable under Sections 143, 147,148,324,452,427 read with Section 149 IPC.

3. The allegation against the petitioners and other accused is that on 13/11/2014 at 1.30 p.m., they trespassed into the small hotel being conducted by the de facto complainant at Thalapuzha in front of the engineering college and they severely beat the students who were consuming food from the hotel, with sticks and fire wood. The de facto complainant woman was also beaten with fire wood. They damaged the vessels, utensils and furniture at the hotel causing a wrongful loss to the tune of Rs.3,000/- to the

defacto complainant.

4. Heard learned counsel for the petitioners and learned Public Prosecutor. The contents of the CD prima facie reveal the complicity of the petitioners. Investigation of the case is not over. It is a case where the custodial interrogation of the petitioners is required. It has also been reported that petitioners 1 and 2 were involved in Crime No.255/2012 of the Thalapuzha Police Station, which is a case wherein the police as well as the students of the College were attacked by them. Considering the facts and circumstances of the case and the present stage of the investigation and the seriousness of the allegations against the petitioners, I am satisfied that this not a fit case wherein anticipatory bail can be granted. The learned counsel for the petitioners seeks for an opportunity 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.**

dpk

/True copy/ PS to Judge.

