

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

Bail Appl.No. 120 of 2015

CRIME NO. 1354/2014 OF TANUR POLICE STATION, MALAPPURAM
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PETITIONER(S)/ACCUSED 1, 2, 4 TO 6:

1. T.MANUPRASAD, AGED 23 YEARS,
S/O ARUMUGHAN, THALLASSERI HOUSE,
RAYIRAMANGALAM AMSOM & DESOM, P.O. TANUR.
2. A. UNNI, AGED 37 YEARS,
S/O GOPI, ATTERRIKKAL HOUSE,
RAYIRAMANGALAM AMSOM & DESOM, P.O. TANUR.
3. RAHUL, AGED 25 YEARS,
S/O RAJAN, THAYYILAPARAMBIL HOUSE, P.O. TANNUR.
4. N. BABU, AGED 25 YEARS,
S/O. DASAN, NELLAKULATH HOUSE,
RAYIRAMANGLAAM AMSOM & DESOM, P.O. TANUR.
5. P.K. JITHESH, AGED 26 YEARS,
S/O UNNI, PADINHAREKUNNATHATTIL,
RAYIRAMANGALAM AMSOM DESOM, P.O. TANUR.

BY ADV. SRI.P.VIJAYAKUMAR

RESPONDENT(S)/COMPLAINANT/STATE:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM DISTRICT - 682 039.
2. THE SUB INSPECTOR OF POLICE,
TANUR POLICE STATION - 676 302.

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
19-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B. KEMAL PASHA, J.

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Dated this the 19th day of January, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are A1, A2, A5, A4 and A6 in Crime No.1354 of 2014 of Tanur Police Station, Manjeri, Malappuram District, registered for the offences punishable under Sections 308, 427, 452, 143, 147, 148, 341, 324 and 506(ii) IPC r/w Section 149 IPC.

3. The allegation against the petitioners and other accused is that on 05.12.2014 at 8.00pm they formed themselves into an unlawful assembly armed with deadly weapons like iron rod, sword stick etc. and wrongfully restrained the defacto complainant. It is alleged that cuts were indiscriminately inflicted on him with the sword sticks and he was beaten with iron rod. With a view to escaping from the clutches of the accused, he ran into a nearby shop, and then the petitioners and other accused

committed house trespass into the shop, again attacked the defacto complainant and smashed and destroyed the vessels and other items in the shop.

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

5. The learned counsel for the petitioners has pointed out that the 3rd accused has been enlarged on bail in this matter and there is only a trivial injury sustained to the defacto complainant in the alleged incident.

6. I have perused the wound certificate, which reveals that the defacto complainant has sustained three injuries, out of which two injuries are very serious. The 3rd accused was arrested, detained and he was subsequently enlarged on bail. It has been reported that the weapons are recovered. At the same time, the allegations against the petitioners are very grave in nature.

7. Considering the seriousness of the allegations against the petitioners, I do not think that it is fit case wherein anticipatory bail can be granted. At the same time, considering the fact that no criminal antecedents have been reported against the petitioners, I am of the view that they can be given an opportunity to surrender before the investigating officer, in order to cooperate with the investigation.

8. 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

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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

das

// True copy //

PA to Judge