

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

Bail Appl..No. 155 of 2015

CRIME NO. 499/2014 OF AMBALATHARA POLICE STATION , KASARGOD DISTRICT

PETITIONER(S) 1 & 2 :

- 1. BAIJU.E, AGED 26 YEARS,
S/O.VANAJA, ITTAMMAL HOUSE, PULLUR,
PULLUR VIA, HARIPURAM P.O, KASARAGOD DISTRICT.**
- 2. VAISHAK SHOBANAN, AGED 21 YEARS,
S/O.SHOBANAN, SOUMYA NILAYAM, KARUVALAM,
PADNAKAD, PADNAKAD P.O., KASARAGOD DISTRICT.**

BY ADV. SRI.S.VISHNU (TRIPUNITHURA)

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE S.H.O. AMBALATHARA POLICE STATION,
(CRIME 499/14) REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

B.A. No.155 of 2015 D

Dated this the 19th day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.3 and 2 respectively in Crime No.499/2014 of Ambalathara Police Station, Kasaragod registered for the offences punishable under Sections 143, 147, 148, 149, 341, 323, 324, 506(ii) and 308 read with Section 149 of the I.P.C.

3. The allegation against the petitioners is that, they along with the other accused had attacked the de-facto complainant, who was a passenger of a private bus, at 5.15 p.m. on 30.11.2014 and he was attempted to be dragged out of the bus. He resisted and escaped from there and got out of the bus and he alighted in another bus. When that bus started moving, one of the accused

gained entry into that bus and again the de-facto complainant was beaten up. He was attempted to be dragged out of that bus and he was beaten up by the other accused, who came by a motor bike. He was hit with stones on his head.

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

5. The allegations against the petitioners are very grave and serious. It seems that again threats were there as against the de-facto complainant and his friends and posters for the same were affixed by the petitioners and the other accused. The investigation has a long way to go. Considering the seriousness of the allegations against the petitioners and the present stage of the investigation, I do not think that this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. The learned counsel for the petitioners pointed out that no criminal antecedents have been reported against the petitioners. Considering the said aspect and the age of 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.

7. 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