

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Bail Appl..No. 177 of 2015

CRIME NO. 1705/2014 OF PARIPPALLY POLICE STATION , KOLLAM DISTRICT

PETITIONER(S)/5,6,7,8 ACCUSED :

1. BIJU, AGED 37 YEARS,
VETTIKUNNUVILA, KURUMANDAL, PARAVOOR,
KOLLAM.
2. KOCHUPPEDY RAJESH, AGED 36 YEARS,
VETTIKUNNUVILA, KURUMANDAL PARAVOOR, KOLLAM.
3. MONI, AGED 34 YEARS,
VETTIKUNNUVILA, KURUMANDAL, PARAVOOR,
KOLLAM.
4. SUNIL, AGED 28 YEARS,
PUTHUVAL, KURUMANDAL, PARAVOOR,
KOLLAM.
5. SANJEEV, AGED 35 YEARS,
MUZHAVILA, KURUMANDAL, PARAVOOR,
KOLLAM.

BY ADV. SRI.M.R.SASITH PANICKER

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE,
PARIPPALLY POLICE STATION, KOLLAM- 690 001.

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-01-2015, ALONG WITH B.A.NO.9069 OF 2014 THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

B.A.Nos. 177 of 2015 and 9069 of 2014

Dated this the 21st day of January 2015

ORDER

Petitions under Section 438 Cr.P.C.

2. Petitioners in B.A.No.9069 of 2014 are accused Nos.1 to 3 and in B.A.No.177 of 2015 are accused Nos.5 to 9, in Crime No.1705/2014 of Paripally Police Station, Kollam district registered for the offences punishable under Sections 143, 147, 294 (b), 452, 323, 324 and 354 the Indian Penal Code read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners and the other accused is that on 31.8.2014 at 5 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like iron rod and sticks, committed house trespass into the house of the sister of the de-facto complainant and indiscriminately inflicted blows on the

inmates, including the women all over their body. It is also alleged that two women were dragged out of the court yard and their blouses and nighties were torn away. They severely beat the de-facto complainant, his wife and their son. They have outraged the modesty of 4 women in the house.

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

5. Even though the petitioners had earlier approached this Court for anticipatory bail, the same was denied. The allegations against the petitioners are very grave and serious. Custodial interrogation of petitioners is required for the continued investigation of the case. Considering the seriousness of the allegations against the petitioners and the present stage of investigation, I am satisfied that the petitioners in these applications are not entitled to the discretionary relief of anticipatory bail.

6. 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.

7. In the result, these bail applications are 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.

**B.KEMAL PASHA,
JUDGE**

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