

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

Bail Appl..No. 187 of 2015 ()

CRIME NO. 246/2014 OF THIRUVALLAM POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSE NO 2:

**SHIRAZ MOHAMMED, AGED 35 YEARS,
S/O.SHAMSUDEEN, T.C 65/1045, SHIRAZ MANZIL,
PACHALLOOR, THIRUVALLAM POST,
THIRUVANANTHAPURAM, PIN- 695 527**

**BY ADVS.SRI.K.P.RAMACHANDRAN
SRI.K.JAYAKUMAR(CHERTHALA)
SMT.S.ANJUSHA**

RESPONDENTS/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
THIRUVALLOM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT,
PIN -695 527 (THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA).**
- 2. SUB INSPECTOR OF POLICE,
THIRUVALLOM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT, PIN -695 527**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B.KEMAL PASHA, J.

=====

B.A. No.187 of 2015

=====

Dated this the 27th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.246 of 2014 of the Thiruvallam Police Station, Trivandrum City, registered for the offences punishable under Sections 143, 147, 148, 149, 324 and 308 IPC.

3. The allegation against the petitioner and the other accused is that on 15.03.2014 at 10.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like a pointed weapon and wooden reapers, and attacked one Deepu. When the defacto complainant intervened for the rescue of Deepu and to detach him from the clutches of the petitioner and the other accused, the defacto complainant was severely beaten up. It is alleged that he was repeatedly hit with a pointed weapon by the 1st accused, thereby causing serious injuries. It is also alleged that the petitioner severely beat him with a wooden reaper.

The other accused also beat him with wooden reapers.

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

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. The wound certificate of the defacto complainant shows a series of injuries on his body and those are lacerated wounds. The person named Deepu has also sustained serious injuries. Considering the seriousness of the allegations against the petitioner, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner. At the same time, I am of the view that an opportunity can be granted to the petitioner to surrender before the investigating officer and to co-operate with the investigation, as no criminal antecedents have been reported against him.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner,

effect recovery if any, and conduct the investigation and produce the petitioner without delay before the court below, where the petitioner 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**

DSV/28/1/15

// True Copy //

P.A. To Judge