

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Bail Appl..No. 222 of 2015 ()

CRIME NO. 499/2014 OF KOLATHUR POLICE STATION, MALAPPURAM

PETITIONER/ACCUSED :

**ABDUL LATHEEF, AGED 49 YEARS,
S/O.LATE ABDUL RAHMAN MUSALIYAR, THOTTILI HOUSE,
CHRUKULAMBA, VATTALLUR P.O, (VIA MAKKARAPARAMBA
MALAPPURAM DIST)**

BY ADV. SRI.ESM.KABEER

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA - 682 031**
- 2. THE SUB INSPECTOR OF POLICE,
KOLATHUR POLICE STATION 679 338, MALAPPURAM**

BY PUBLIC PROSECUTOR SRI. C. RASHEED

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

bp

B.KEMAL PASHA, J.

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B.A. No. 222 of 2015

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Dated this the 2nd day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.499 of 2014 of the Kolathur Police Station, registered for the offences punishable under Sections 294(b), 326 and 341 read with Section 34 IPC.

3. The allegation against the petitioner and the other accused is that on 26.12.2014 at 10 a.m., they wrongfully restrained the defacto complainant at a property, wherein measurement was going on. It is alleged that the petitioner pulled out the stick, which was used as a peg for the measurement, and with the same, he repeatedly beat the defacto complainant on all parts of his body, thereby causing very serious injuries.

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

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. It seems that the defacto complainant has sustained very serious injuries all over his body, including the fracture of his left fibula. It is true that anticipatory bail was granted by this Court to the 2nd accused. It is just because of the fact that all the main overt acts are alleged against the petitioner herein. 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.

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/2/2/15

// True Copy //

P.A. To Judge