

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

Bail Appl..No. 239 of 2015

CRIME NO. 742/2014 OF MANJESWAR POLICE STATION , KASARGOD

PETITIONER/ACCUSED:

**MUNEER, AGED 34 YEARS,
S/O.M. MUHAMMED, R/AT ARAFATH MANZIL,
ICHILANGOD VILLAGE, KASARAGOD DISTRICT.**

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENT/COMPLAINAT:

**STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
MANJESHWAR POLICE STATION,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

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B.A. No. 239 of 2015

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Dated this the 23rd day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the first accused in Crime No.742 of 2014 of the Manjeshwaram Police Station, registered for the offences punishable under Sections 143, 147, 148, 323, 341 and 326 read with Section 149 IPC.

3. The allegation against the petitioner and the other accused is that on 27.11.2014 at 12.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like knife, committed rioting and wrongfully restrained the defacto complainant. It is alleged that the petitioner stabbed on the nose of the defacto complainant with a knife, thereby, causing grievous hurt.

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

5. The learned Public Prosecutor has pointed out that the petitioner is an accused in an NDPS crime, registered as

Crime No.399 of 2014 of the said Police Station and he is on bail in that case. It seems that he has violated the bail conditions in that crime by getting him involved in the present crime. The learned Public Prosecutor has further pointed out that the knife allegedly made use of by the petitioner has not yet been recovered. Considering the seriousness of the allegations against the petitioner and the present stage of the investigation, I am of the view that, this is a not a fit case wherein anticipatory bail can be granted to the petitioner.

6. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

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 concerned

Judicial First Class Magistrate's Court, 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/23/1/15

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P.A. To Judge