

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Bail Appl..No. 274 of 2015 ()

CRIME NO. 663/2014 OF MUKKAM POLICE STATION, KOZHIKODE DISTRICT

PETITIONER/ACCUSED NO.1:

**ABDUL LATHEEF, AGED 37 YEARS,
S/O.MUHAMMED KOYA, VAKERI HOUSE,
KALUMIL LAKSHAM VEEDU COLONY, PERUMBADAPPU COLONY,
MUKKAM, KOZHIKODE DISTRICT**

BY ADV. SRI.DEVAPRASANTH.P.J.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, REPRESENTING SHO,
MUKKOM POLICE STATION.**

BY ADDL.DIRECTOR GENERAL OF PROSECUTION SRI.ABDUL KAREEM

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

B.A.No.274 of 2015 D

Dated this the 1st day of April 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the first accused in Crime No.663/2014 of Mukkam police station, Kozhikode district registered for the offences punishable under Sections 143, 147, 148, 452, 294(b), 323, 324, 326, 354 and 308 read with Section 149 of the I.P. C.

3. The allegation against the petitioner and the other accused is that on 2.11.2014 at 12.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons, like iron rods and committed house trespass into the house, wherein the *defacto complainant* was present. It is alleged that the said house belongs to the elder brother of her husband. It is further alleged that the

petitioner along with the other accused attacked her, her husband's elder brother, the wife and son of the elder brother of her husband . When the daughter of the elder brother of her husband intervened, she was also pushed down. The *defacto complainant* has sustained the fracture of her right acromion.

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

5. It seems that the allegations against the petitioner are very grave and serious. The investigation of this case is not over. Considering the seriousness of the allegations against the petitioner and the seriousness of the injuries sustained by the *defacto complainant*, 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, no criminal antecedents have been reported against the petitioner. Considering the said aspect, 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.

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

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PA to Judge