

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

Bail Appl..No. 305 of 2015 ()

CRIME NO. 973/2014 OF BEKAL POLICE STATION , KASARGOD

PETITIONER/ACCUSED NO.3 :

NARAYANAN, AGED 51 YEARS,
S/O.KORAGAN (LATE), THEKKEKKARA, UDMA,
KASARAGOD DISTRICT.

BY ADV. SRI.A.ARUNKUMAR

RESPONDENTS/COMPLAINANT/STATE:

1. STATE OF KERALA -
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

2. THE STATION HOUSE OFFICER,
(CRIME NO.973/2014 OF BEKAL POLICE STATION,
KASARAGOD DISTRICT)671315.

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
20-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DSV/20/2/15

B.KEMAL PASHA, J.

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B.A. No.305 of 2015

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Dated this the 20th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 3rd accused in Crime No.973 of 2014 of the Bekal Police Station, registered for the offences punishable under Sections 323, 324, 341, 427 and 452 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 15.12.2014 at 10.45 p.m., they committed house trespass into a lodge, wherein the defacto complainant was working as the office boy and severely beat and fisted him and dragged him out. He was kicked down and stamped. One Muhammed Riyas, who intervened for the rescue of the defacto complainant, had also been beaten up. They smashed and destroyed glasses of the windows of the lodge and glass doors, thereby causing a wrongful loss of around Rs.10,000/-.

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

5. The learned Public Prosecutor has pointed out that the petitioner and the other accused had earlier taken a room there and they were engaged in playing cards by way of gambling. The same was obstructed by the defacto complainant. Then they vacated the room and went out. Subsequently they came armed with deadly weapons and attacked the defacto complainant and smashed glass doors and glasses of the windows of the lodge. 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, considering the fact that no criminal antecedents have been reported against the petitioner, I am of the view that an opportunity can be granted to the petitioner to surrender before the investigating officer in order 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 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/20/2/15

// True Copy //

P.A. To Judge