

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Bail Appl..No. 308 of 2015 ()

CRIME NO. 435/2014 OF CHOMBALA POLICE STATION, KOZHIKODE DISTRICT.

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PETITIONERS/ACCUSED:

- 1. ANURAG. P.T., AGED 20 YEARS, S/O.VIJAYAN,
DEEPAM, KOROTH THAZHE KUNIYIL HOUSE,
THIRUVALLUR P.O., VADAKARA THALUK, KOZHIKODE DISTRICT.**
- 2. VYSAGH R.K., AGED 20 YEARS,
S/O.RAMESAN, CHALIL HOUSE, MANIYUR P.O.,
VADAKARA THALUK, KOZHIKODE DISTRICT.**
- 3. SARATH, AGED 19 YEARS, S/O.SASI,
KUZHICHALU PARAMBATH HOUSE, NIDUPARAMBA P.O.,
VADAKARA THALUK, KOZHIKODE DISTRICT.**
- 4. SNEHITH P.M., AGED 19 YEARS,
S/O.VENUGOPALAN, PADINHARAE MANADIYIL HOUSE,
IRINGAL P.O., KOYILANDY THALUK, KOZHIKODE DISTRICT.**
- 5. AMALDAS, AGED 19 YEARS,
S/O.DASAN, KANNAMVELLI HOUSE, PAYYOLI P.O.,
KOYILANDY THALUK, KOZHIKODE DISTRICT.**
- 6. ABHIJITH M.S., AGED 19 YEARS,
S/O.SHAJI, MANKATTIL HOUSE, KOYILANDY P.O.,
KOYILANDY THALUK, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.K.S.ARUN KUMAR,
SMT.RESMI THOMAS.**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A. No. 308 of 2015

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Dated this the 9th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are A1 to A3, A5, A4 and A6 respectively in Crime No.435/2014 of the Chombala Police Station, Kozhikode District, registered for the offences punishable under Sections 143, 147,148, 341, 323,324, 308 and 506(1) read with Section 149 IPC.

3. The allegation against the petitioners is that on 8.12.2014 at 1.45 p.m., the petitioners forming a political group among the students of Madappally College, attacked the de facto complainant and his friend. It is alleged that A1 beat the de facto complainant with a tile and A2 beat the de facto complainant with a wooden reaper on which nails are affixed. It is alleged that the other accused had severely slapped the de facto complainant and his friend with hands as wells as beat them with sticks and stamped them.

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

5. The learned Public Prosecutor has pointed out that all the petitioners have similar criminal antecedents on their part as they had involved in Crime No.394/2014 of the same police station, which was registered for the offences punishable under Sections 143, 147, 148, 341, 294(b), 308 and 324 read with Section 149 IPC and they have obtained anticipatory bail in the said case. It is also alleged that A1 and A2 are involved in Crime No.393/2014 of the said police station also, in which also they have obtained anticipatory bail. Considering the seriousness of the allegations against the petitioners, and criminal antecedents on their part, I am of the view that they are not entitled to the discretionary relief of anticipatory bail. At the same time, being students, I am of the view that an opportunity can be granted to the petitioners 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 petitioners may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioners, effect recovery if any, and conduct the investigation and produce the petitioners without delay before the concerned Judicial First Class Magistrate's Court, where the petitioners 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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