

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Bail Appl..No. 346 of 2015

CRIME NO. 4020/2014 OF KARUNAGAPPALLY POLICE STATION, KOLLAM DISTRICT.
.....

PETITIONER(S)/1 TO 5 ACCUSED:

- 1. ANI, AGED 32 YEARS, PULI PADINJARADU,
THODIYOOR, KARUNAGAPPALLY.**
- 2. RAJENDRAN, 48 YEARS,
PULI PADINJARADU, THODIYOOR,
KARUNAGAPPALLY.**
- 3. SOMAN, AGED 32 YEARS
MEENATHOTTIL, PULI PADINJARAU, THODIYOOR
KARUNAGAPPALLY.**
- 4. SAJEESH, AGED 32, MEENATHOTTIL,
PULI PADINJARAU, THODIYOOR,
KARUNAGAPPALLY.**
- 5. THULASIDHARAN, MEENATHOTTIL,
PULI PADINJARAU, THODIYOOR
KARUNAGAPPALLY.**

**BY ADVS.SRI.M.R.SASITH
SMT.R.K.CHIRUTHA**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 021.**
- 2. THE SUB INSPECTOR OF POLICE
KARUNAGAPPALLY POLICE STATION - 690 009.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.346 2015
.....

Dated this the 18th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 5 in Crime No.4020/2014 of Karunagappally Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 326, 294(b) and 427 read with Section 149 IPC.

3. It is alleged that the petitioners entertained an enmity towards the *defacto complainant*, as the *defacto complainant* had pointed out the house of the petitioners to the Amin, who came to attach the property of the petitioners in a suit pending before the Munsiff's Court, Karunagappally. On 11.12.2014 at 1.30 p.m., they formed themselves into an unlawful assembly, armed with deadly weapons, and obstructed the car of the *defacto complainant* and dragged

him out. He was severely beaten up, kicked and stamped, thereby he sustained fracture of two vertebrae. His son was also beaten up and thereafter, they smashed the car of the *defacto complainant* by causing a wrongful loss of ₹50,000/-.

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

5. The allegations against the petitioners are very grave and serious. The contents of the CD *prima facie* reveal the complicity of the petitioners. The investigation has a long way to go. Considering the seriousness of the allegations against the petitioners and the present stage of the investigation, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioners.

6. The learned counsel for the petitioners seeks for an opportunity 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)**

aks/18/02

*// True Copy //*

*PA to Judge*