

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Bail Appl..No. 486 of 2015

**CRIME NO. 1542/2014 OF KAZHAKKUTTOM POLICE STATION ,
THIRUVANANDAPURAM DISTRICT.**
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PETITIONER/A2:

**AKSHAYA RAJ @ MONI, AGED 18,
S/O RAJAN, AKSHARA BHAVAN,
KAZHAKUTTOM, KAZHAKUTTOM P.O.,
THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT/STATE:

**STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
KAZHAKUTTOM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

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B.A. No.486 of 2015

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Dated this the 23rd day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.1542 of 2014 of the Kazhakuttom Police Station, registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 308 and 427 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 09.12.2014, at 4.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like chopper, pipe-range, iron-pipe etc., and wrongfully restrained the defacto complainant and his friends. It is alleged that the 1st accused beat on the head of one Geo, who is the friend of the defacto complainant with a pipe-range. The petitioner repeatedly inflicted cuts on the front and back of the head of the defacto complainant with a chopper. The 3rd accused beat on the head and back of the defacto complainant with an iron-pipe. The other accused

had slapped, fisted and stamped the defacto complainant and his friends.

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

5. The allegation against the petitioner are very grave and serious. It is true that no criminal antecedents have been reported against the petitioner. At the same time, the investigating officer has reported that the custodial interrogation of the petitioner is required for the continued investigation of this case. The chopper allegedly made use of by the petitioner has not yet been recovered. Matters being so, this is not a 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/23/2/15

// True Copy //

P.A. To Judge

