

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. 487 of 2015

CRIME NO. 2255/2014 OF OCHIRA POLICE STATION , KOLLAM
.....

PETITIONER(S)/2ND ACCUSED:

**GOKUL, AGED 19 YEARS,
S/O.GOPALKRISHNA, KODANTHARA KUTHIRATANTHY P.O.,
KARUNAGAPPALLY.**

BY ADV. SRI.M.R.SASITH

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
OCHIRA POLICE STATION, KOLLAM - 690 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

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

msv/

B. KEMAL PASHA, J.

.....
B.A. No.487 2015
.....

Dated this the 18th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.2255/2014 of Ochira Police Station pending investigation for the offences punishable under Sections 341, 294(b), 323, 324 and 326 read with Section 34 IPC.

3. The allegation against the petitioner and other accused is that on 24.12.2014 at 8 p.m., they wrongfully restrained the *defacto complainant* boy aged 17 and attacked him. It is alleged that the 1<sup>st</sup> accused hit him with a weapon which is the free wheel of a bicycle. The petitioner and the other accused beat, fisted and stamped him, thereby he sustained injuries including fracture of his nasal bone.

4. Heard learned counsel for the petitioner and

learned Public Prosecutor.

5. No criminal antecedents have been reported against the petitioner. At the same time, the allegations against the petitioner and the other accused are very grave and serious. A 17 year old boy was attacked and he sustained injuries including grievous hurt. This is not a fit case wherein anticipatory bail can be granted to the petitioner. At the same time, considering the age of the petitioner and the fact that no criminal antecedents have been reported against the petitioner, I am of the view that, while dismissing this bail application, an opportunity can be granted to the petitioner to surrender before the investigating officer and to co-operate with the investigation and to effect recovery of the weapon used.

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)**

aks/18/02

*// True Copy //*

*PA to Judge*