

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Bail Appl..No. 493 of 2015 ()

CRIME NO. 772/2014 OF ALATHUR POLICE STATION, PALAKKAD DISTRICT

PETITIONER/ACCUSED NO.2 :

**PRABIN, AGED 28 YEARS,
S/O.MURUGANKUTTY, CHEENIKKAL VEEDU,
PADOOR, PALAKKAD DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No. 493 of 2015

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Dated this the 13th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.722/2014 of the Alathur Police Station, Palakkad District, registered for the offences punishable under Sections 341, 452, 323 and 354(b) read with Section 34 IPC.

3. The allegation against the petitioner and the other accused is that on 9.6.2014 at 9.14 p.m., they smashed open the front door of the house of the de facto complainant woman and committed house trespass into it. In that process, the door forcibly hit on the body of the de facto complainant woman and she sustained injury. The petitioner allegedly caught hold of the hand of the daughter of the de facto complainant and attempted to pull her out. When the de facto complainant intervened for the rescue of her daughter, she was kicked on her abdomen by A2.

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

5. The contents of the C.D *prima facie* reveal the complicity of the petitioner. The learned Public Prosecutor has pointed out that the petitioner is an accused in '11' other criminal cases involving serious offences. It seems that proceedings under Section 107 Cr.P.C has also been initiated against the petitioner. The petitioner is a habitual offender and a hardened criminal. Considering the seriousness of the allegations against the petitioner, and the series of serious criminal antecedents on his part, I am satisfied that the petitioner is not entitled to the discretionary relief of anticipatory bail.

6. The learned counsel for the petitioner seeks for an opportunity to the petitioner 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 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

stu/-

[True copy]

P.A. to Judge