

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

Bail Appl..No. 577 of 2015

CRIME NO. 7/2015 OF MAYYIL POLICE STATION , KANNUR

PETITIONER(S)/3RD ACCUSED:

**CHINNAN @ RIMIL, AGED 18 YEARS,
S/O.JAYARAJAN, PANDARATHIL HOUSE, MALAPPATTAM P.O,
TALIPARAMBA TALUK, KANNUR DISTRICT.**

**BY ADVS.SRI.C.P.PEETHAMBARAN
SMT.MINI.V.A.**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
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 06-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

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B.A. No. 577 of 2015

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Dated this the 6th day of February, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioner is the 3rd accused in Crime No.7/2015 of the Mayyil Police Station, Kannur District registered for the offences punishable under Sections 143, 147, 148, 341, 324, 506(1) and 308 read with Section 149 IPC.

3. The allegation against the petitioner and the other accused is that on 01.01.2015 at 1.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like iron rods, wrongfully restrained the de facto complainant and his friends, out of political enmity, and attacked them with iron rods. It is alleged that the petitioner and the other accused beat the de facto complainant with iron rods and hit him with granite stones, thereby causing serious injuries.

4. Heard learned counsel for the petitioner and learned

Public Prosecutor.

5. The contents of the wound certificate of the petitioner which finds a place among the records in the C.D reveal that the de facto complainant has sustained very serious injuries and he has almost lost the vision of his left eye. The investigation of the case is not over. Considering the seriousness of the allegations against the petitioner, and present stage of the investigation, I am satisfied that this is not a fit case wherein anticipatory bail can be granted. At the same time, in the absence of any criminal antecedent on his part, an opportunity can be granted 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

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P.A to Judge