

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936**

**Bail Appl..No. 677 of 2015 ()**  
-----

**CRIME NO. 52/2015 OF BEKAL POLICE STATION , KASARAGOD DISTRICT**  
-----

**PETITIONER(S)/ACCUSED:**  
-----

- 1. ANAS.T, AGED 24 YEARS, S/O.MAJEED,  
RESIDING AT THOTTY, KEEKAN VILLAGE,  
P.O.BEKAL FORT.**
- 2. ILLYAS, AGED 26 YEARS,  
S/O.KUNHABDULLA HAJI, THOTTY, KEEKAN VILLAGE,  
P.O.KEBAL FORT.**
- 3. SUHAIB, AGED 26 YEARS,  
S/O.KUNHABDULLA, THOTTY, P.O.BEKAL FORT.**

**BY SRI.M.RAMESH CHANDER,SENIOR ADVOCATE  
ADVS. SRI.ANEESH JOSEPH  
SMT.DENNIS VARGHESE**

**RESPONDENT/COMPLAINANT & STATE:**  
-----

**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, KOCHI - 682 031.**

**BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**sts**

**B.KEMAL PASHA, J.**

-----  
B.A.No.677 of 2015  
-----

Dated this the 5<sup>th</sup> day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.52/2015 of Bekal Police Station registered for the offences punishable under Sections 341, 323, 324 and 308 read with Section 34 of the I.P.C.

3. The allegation against the petitioners is that on 16.1.2015 at 7.30 p.m., they caught hold of the de-facto complainant and wrongfully restrained him and attacked him. It is alleged that A3 inflicted a cut injury on the head of the de-facto complainant with a sword stick. A1 beat him with an iron rod and A2 beat him with a wooden reaper. They had wrongfully restrained and beat the brother of the de-facto complainant also.

4. Heard the learned counsel for the petitioners and the

learned Public Prosecutor.

5. The contents of the CD, prima facie, reveal the complicity of the petitioners. The contents of the wound certificate, which finds a place among the records of the CD, reveals the serious injuries sustained by the de-facto complainant. Considering the seriousness of the allegations against the petitioners, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioners. No criminal antecedents have been reported against the petitioners. Considering that aspect only, I am of the view that an opportunity can be given 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**

*dl*

// True Copy //

P.A. To Judge