

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Bail Appl..No. 702 of 2015 ()

CRIME NO. 8/2015 OF VAIKOM POLICE STATION ,KOTTAYAM DISTRICT

PETITIONER(S)/ACCUSED 1 AND 2:

- 1. ANOOP, S/O.MOHANAN, AGED 27 YEARS,
ARUN BHAVANAM, KULASEKHARAMANGALAM P.O,
VAIKOM KOTTAYAM DISTRICT.**
- 2. SANTHU, S/O.SABU, AGED 24 YEARS,
PULIKKITHARA HOUSE, AKKARAPPADOM P.O, VAIKOM,
KOTTAYAM DISTRICT.**

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT/COMPLAINANT/STATE:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING H.S.O, VAIKOM P.S.,
KOTTAYAM DISTRICT.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No.702 of 2015

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Dated this the 11th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A1 and A2 in Crime No.8 of 2015 of the Vaikom Police Station, registered for the offences punishable under Sections 143, 147, 148, 294(b), 323, 506(ii) and 307 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners and the other accused is that on 01.01.2015 at 2 a.m., they formed themselves into an unlawful assembly armed with deadly weapons like swords and they attacked the defacto complainant out of political enmity. It is alleged that A1 inflicted a cut on the head of the defacto complainant with a sword and A2 also inflicted a cut on the head of the defacto complainant with another sword. On getting the injuries, he fell down and then the other accused stamped and fisted the defacto complainant.

4. Heard 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 learned Public Prosecutor has pointed out that the 1st petitioner is an accused in Crime Nos.327/2014, 401/2013 and 547/2014 of the Vaikom Police Station and Crime No.150 of 2014 of the Thalayolaparambu Police Station, over and above the present case. The copy of the wound certificate present among the records in the CD reveals that the defacto complainant has sustained serious injuries. Considering the seriousness of the allegations against the petitioners and the present stage of the investigation, I am satisfied that this is not a fit case wherein anticipatory bail can be granted to the petitioners.

6. The learned counsel for the petitioners seeks for an opportunity 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

DSV/11/2/15

// True Copy //

P.A. To Judge