

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

Bail Appl..No. 717 of 2015

CRIME NO. 36/2015 OF VATTAPPARA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.
.....

PETITIONER(S)/ACCUSED NO.1 & 2:

1. M.KARTHIKEYAN, AGED 48 YEARS,
S/O MADHAVAN NAIR, UTHRADAM,
UTHIRAPETTY, VEMBAYAM,
THIRUVANANTHAPURAM DISTRICT.
2. SUNILKUMAR, 29 YEARS,
S/O JOHNSON @ KOCHUMON,
THADATHARIKATH VEEDU,
NEDUVELI, KONCHIRA,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.P.K.VARGHESE

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKUALAM.

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.717 2015
.....

Dated this the 19th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 in Crime No.36/2015 of Vattappara Police Station, Thiruvananthapuram district, registered for the offences punishable under Sections 143, 147, 148, 323, 324 and 308 read with Section 149 IPC.

3. The allegation against the petitioners is that, on 13.01.2015 at 3.30 p.m. while the *defacto complainant* boy aged 17 along with his friends was coming out of the school, they were attacked by the petitioners and the other accused with weapons. It is alleged that the *defacto complainant* boy was severely beaten up. The 2<sup>nd</sup> accused beat on the head of the boy with a wheel spanner, thereby causing a very serious injury.

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 *defacto complainant* has sustained a lacerated wound 4 x .5 x .5 cm over the scalp and he had undergone treatment at the Medical College Hospital, Thiruvananthapuram. It seems that a juvenile was severely beaten up and tortured. Considering the seriousness of the allegations against the petitioners and the present stage of the investigation, I do not think that this is 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)**

aks/19/02

*// True Copy //*

*PA to Judge*