

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. 727 of 2015

CRIME NO. 27/2015 OF KONNI POLICE STATION, PATHANAMTHITTA DISTRICT.
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PETITIONER(S)/ACCUSED:

1. SHINE V.SOMAN, AGED 36 YEARS,
S/O.SOMAN, MALLIKA BHAVAN,
KONNY P.O & MURI, VILLAGE & TALUK,
PATHANAMTHITTA DISTRICT.
2. SUJITH, AGED 33 YEARS,
S/O.SUJATHAN, MANIMANDIRAM VEEDU,
VELLAPARA P.O. & KONNY MURI, VILLAGE & TALUK,
PATHANAMTHITTA DISTRICT.
3. RATHEESH KUMAR, AGED 32 YEARS,
S/O.VISHWANATHAN NAIR, PALLIKKAMANNIL,
VELLAPPARA P.O. & KONNY MURI, VILLAGE & TALUK,
PATHANAMTHITTA DISTRICT.
4. ANI ALEX, AGED 30 YEARS, S/O.ALEX,
ETTICKAL VEEDU, PAYYANAMON P.O. & KONNY MURI,
VILLAGE & TALUK, PATHANAMTHITTA DISTRICT.

BY ADVS.SRI.V.SETHUNATH
SRI.V.R.MANORANJAN (MUVATTUPUZHA)

RESPONDENT(S)/COMPLAINANT/STATE:

1. THE S.I OF POLICE, KONNY POLICE STATION,
PATHANAMTHITTA DIST., PIN: 689 699.
2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN: 682 031.

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.727 of 2015

Dated this the 19th day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1, 4, 3 and 2 respectively in Crime No.27/2015 of Konny Police Station, Pathanamthitta registered for the offences punishable under Sections 447, 323, 326 and 294(b) read with Section 34 of the I.P. C.

3. The allegation against the petitioners is that on 11.1.2015 at 2.30 p.m., when the de-facto complainant demanded the money payable to him by the petitioners, for the welding works done by him as ordered by the petitioners, they abused the de-facto complainant and his other workers, who were present there. The petitioners attacked the de-facto complainant and his workers and

the de-facto complainant was beaten up with the rod of jack hammer on his back and right leg thereby causing an open undisplaced fracture upper tibia (Rt.).

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

5. The contents of the C.D. *Prima facie* reveal the complicity of the petitioners. The allegations against the petitioners are very grave and serious. Unnecessarily, the de-facto complainant was beaten up and grievous hurt has been caused. This is a case wherein the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, I am of the view 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.

7. 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

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PA to Judge