

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. 764 of 2015

CRIME NO. 145/2015 OF SASTHAMCOTTA POLICE STATION, KOLLAM DISTRICT.
.....

PETITIONER:

**RENJU M. @ MANJITH, AGED 35 YEARS,
AYAMPPILLIL PADINJATTETHIL HOUSE,
IVERKALA EAST P.O, PUTHOOR (VIA)
KOLLAM, PIN - 691 507.**

**BY ADVS.SRI.VAKKOM N.VIJAYAN
SMT.V.RENJU
SRI.P.ANIYAN**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S

**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.764 2015
.....

Dated this the 19th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.145/2015 of Sasthamcotta Police Station registered for the offences punishable under Sections 341, 427 and 332 IPC.

3. The allegation against the petitioner is that on 28.01.2015 at 10.15 a.m., while the *defacto complainant*, who is the Executive Engineer of the Public Works Department, was on supervision of the tarring works going on a road, the petitioner reached there and abused him. When the *defacto complainant* asked the petitioner to go away from there, the petitioner again questioned him and

fisted on the face of the *defacto complainant* by using the key in the hands of the petitioner, thereby causing a very serious injury on the left upper eyelid of the *defacto complainant*, whereby he was obstructed from the discharge of his official duties.

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

5. According to the learned counsel for the petitioner, it was the *defacto complainant* who attacked the petitioner, thereby causing injuries to him, for which he was admitted at the Taluk Head Quarters Hospital, Kottarakkara. In the wound certificate, it is noted that he has sustained a contusion on his right chest and partial dislocation of two teeth. Whatever it is, the petitioner cannot validly explain his presence at the spot and interference with the work that was going on. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. The allegations against the petitioner are very grave and serious. Considering the

seriousness of the allegations against the petitioner, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner. At the same time, considering the fact that no criminal antecedents have been reported against the petitioner and he also has sustained some injuries in the incident, I am of the view that, while dismissing this bail application, 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

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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

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PA to Judge