

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. 790 of 2015

CRIME NO. 1017/2014 OF VATTAPPARA POLICE STATION, THIRUVANANTHAPURAM
.....

PETITIONER(S)/ACCUSED:

1. SATHYAN AGED 41,
S/O. VELAYUDHAN, RESIDING AT "RAMLATH VEEDU", VETTINADU
VATTAPARA P.O., THIRUVANANTHAPURAM.
2. GOPAKUMAR, AGED 43,
S/O. THANKAPPAN PILLAI, RESIDING AT "RAMLATH VEEDU",
VETTINADU, VATTAPARA P.O., THIRUVANANTHAPURAM.
3. SAJIKUMARAN NAIR, AGED 39,
S/O. KRISHNAN PILLAI, RESIDING AT "RAMLATH VEEDU",
VETTINADU, VATTAPARA P.O., THIRUVANANTHAPURAM.
4. SARUNJITH, AGED 37,
S/O. SASIKUMAR, RESIDING AT "RAMLATH VEEDU", VETTINADU,
VATTAPARA P.O., THIRUVANANTHAPURAM.

BY ADVS.SRI.V.N.GOPALAKRISHNAN NAIR
SRI.B.HARISH KUMAR
SRI.ARUN GOPALAKRISHNAN
SRI.G.VARUN

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. THE SUB INSPECTOR OF POLICE,
VATTAPARA POLICE STATION,
THIRUVANANTHAPURAM - 695 028.

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:

msv/

B.KEMAL PASHA, J.

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B.A. No.790 of 2015

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Dated this the 19th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.1017 of 2014 of the Vattappara Police Station, registered for the offences punishable under Sections 294(b), 452, 323, 324 and 354 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that on 06.12.2014 at 9.30 p.m., they came in front of the house of the defacto complainant woman, abused her in filthy language and committed house trespass into the house and thereafter, she along with her mother and her son were attacked. It is alleged that she was beaten with iron rod, thereby causing a serious injury below her right eye. She was severely slapped, fisted and stamped. Similarly, her mother and her son Abin were also beaten up.

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 allegations against the petitioners are very grave and serious. The investigation of this case is not over. Considering the seriousness of the allegations against the petitioners and the present stage of the investigation, I am satisfied that they are not entitled to the discretionary relief of anticipatory bail.

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 court below, 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/19/2/15

// True Copy //

P.A. To Judge