

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

Bail Appl..No.902 of 2015

**(CRIME NO.75/2015 OF CHIRAYINKEEZHU POLICE STATION,
THIRUVANANDAPURAM).**

...

PETITIONERS/ACCUSED:

1. **ANILKUMAR,AGED 43 YEARS,
S/O.APPU,PLANGATTU VEEDU,
ANATHALAVATTAM CHIRAYINKEEZHU,
NEDUMANGAD,TRIVANDRUM.**
2. **PRASAD,AGED 43 YEARS,
S/O.KARUNAKARAN,
TTUVULUMBIL VEEDU,
PANDAKASALA,CHIRYANKEEZHU.**

BY ADV. SRI.M.R.SARIN PANICKER.

RESPONDENTS/STATE/COMPLAINANT:

1. **STATE OF KERALA,
REPRESENTED BY THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**
2. **THE SUB INSPECTOR OF POLICE,
CHIRAYINKEEZHU POLICE STATION,
CHIRAYINKUZHU,TRIVANDRUM - 695 001.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

B.A.No.902 of 2015 C

Dated this the 23rd day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 in Crime No.75/2015 of Chirayinkeezhu Police Station registered for the offences punishable under Sections 451, 341, 323, 294(b), 332 read with Section 34 of the I.P.C. and Section 146 of Indian Railways Act, 1989.

3. The allegation against the petitioners and the other accused is that on 20.1.2015 at 3 p.m., they committed trespass into the office room of the de-facto complainant gate keeper of the Indian Railways, near the Railway Station at Chirayinkeezhu, and the first petitioner caught hold of him and severely beat him by abusing him. The other accused persons also attacked the de-facto complainant gate keeper and dragged him out and wrongfully

restrained him. Even though the de-facto complainant had to give signal for the oncoming train, they did not release him, thereby deterring him from the discharge of his official duties.

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

5. It has been reported that the first petitioner is a habitual offender and a hardened criminal, involved in a series of criminal cases including the offence under Section 302 of the I.P.C. The provocation on the part of the petitioners was that the de-facto complainant did not care to open the railway gate for the passage of the vehicle of the petitioners, after the closure of the gate for the passage of the oncoming train. Contents of the C.D prima facie reveal the complicity of the petitioners. The allegations against the petitioners are very grave and serious. Matters being so, I am of the view that the petitioners 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.

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

