

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Bail Appl..No. 999 of 2015 ()

**CRIME NO. 2/2015 OF KADIRUR POLICE STATION, THALASSERY,
KANNUR DISTRICT**

PETITIONER(S)/ACCUSED 1 AND 2 :

- 1. C.K.PRASANTH,
S/O.SURESH BABU, AGED 31 YEARS,
BABU NIVAS, ERANHOLI, THALASSERY.**
- 2. RAJESH, S/O.RAGHAVAN, AGED 40 YEARS,
LAKSHAM VEEDU COLONY, HOUSE NO.21,
PONNIAM WEST, THALASSERY.**

BY ADV. SRI.CIBI THOMAS

RESPONDENT(S)/COMPLAINANT/STATE :

- 1. THE STATION HOUSE OFFICER
KADIRUR POLICE STATION, THALASSERY- 670 642.**
- 2. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B.KEMAL PASHA, J.

=====

B.A. No. 999 of 2015

=====

Dated this the 24th day of March, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioners are A1 and A2 in Crime No.2/2015 of the Kathirur Police Station, Thalassery, Kannur District registered for the offences punishable under Sections 143, 147, 148, 283, 332, 353 and 294(b) read with Section 149 IPC.

3. On 31.12.2014 at 11.30 p.m., while the de facto complainant police officer along with his team were on patrol duty, they could see the petitioners and the other accused were obstructing the road. When the police party attempted to remove the obstructions, they were attacked, abused and pelted with stones, thereby they were obstructed from the discharge of their official duties and deliberately deterred from the discharge of their official duties.

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 learned Public Prosecutor has pointed out that over and above the present case, the 1st petitioner is an accused in 'five' other criminal cases. Considering the facts and circumstances of the case, I am of the view that this is not a fit case wherein anticipatory bail can be granted.

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

stu

//True copy//

P.A to Judge