

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

BAIL APPL..NO. 1050 OF 2015

CRIME NO. 397/2014 OF UPPUTHARA POLICE STATION, IDUKKI DISTRICT

PETITIONER(S)/1ST ACCUSED :

**PRASANNAN, AGED 42 YEARS,
S/O.NARAYANAN, MANKOOTTATHIL VEEDU,
AYYAPPAN KOVIL P.O., ANAKUZHI BAGAM, IDUKKI DISTRICT.**

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msd.

B.KEMAL PASHA, J.

.....
Bail Application No.1050 of 2015

.....
Dated this the 11th day of March, 2015.

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioner is the first accused in Crime No.397/2014 of Upputhara Police Station, Idukki district registered for the offences punishable under Sections 324, 326 and 341 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 12.12.2014 at 6.15 p.m., they wrongfully restrained the de-facto complainant, and the first accused beat repeatedly on the head of the de-facto complainant with an iron rod, thereby causing fracture of his skull and other head injuries.

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

5. All the main overt acts are alleged against the petitioner. The allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner and the present stage of investigation, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner. The learned counsel for the petitioner seeks for an opportunity 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 same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-

B.KEMAL PASHA,
JUDGE

smm

// True Copy //

PA to Judge

