

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Bail Appl.No. 1051 of 2015

CRIME NO. 181/2015 OF RAMAPURAM POLICE STATION, KOTTAYAM
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PETITIONER(S)/ACCUSED:

- 1. SHAIJU N.R., AGED 40 YEARS,
S/O.RAVENDRAN, NEERANANAMTHOTTIYIL HOUSE,
VELIYANNUR P.O., KOTTAYAM DISTRICT.**
- 2. FINISH JACOB, AGED 36 YEARS,
S/O.JACOB, ALAPPATTU HOUSE, VELIYANNUR P.O.,
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.K.S.ARUN KUMAR
SMT.RESMI THOMAS**

RESPONDENT(S)/STATE/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
09-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A. No. 1051 of 2015

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Dated this the 9th day of March, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioners are A3 and A1 respectively in Crime No.181/2015 of the Ramapuram Police Station, Kottayam District, registered for the offences punishable under Sections 143, 147, 341, 294(b) and 332 read with Section 149 IPC and Section 3(1) of the PDPP Act.

3. The allegation against the petitioners is that on 19.2.2015, while the officers of the Excise party had reached the place called 'Padinjarepedika' at Veliyannoor Village for an excise raid in a temporary tea shop situated the side of the road, A1 and A2 came by a motor bike and obstructed the excise jeep with the motor bike. They abused and wrongfully restrained the members of the excise party. By the time, the 3rd accused reached there with an autorikshaw. Other persons also from the locality gathered

there and all of them surrounded the excise party, severely slapped, fisted and beat them and they smashed and damaged the body of the police jeep, thereby causing a wrongful loss of ₹11,000/- to the Government. They have obstructed the discharge of the official duties by the members of the excise party.

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. It seems that the members of the excise party had suffered serious injuries in the incident. Considering the facts and circumstances of the case, and the present stage of the investigation, and the seriousness of the allegations against the petitioners, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioners. At the same time, when no criminal antecedents have been reported against the petitioners, I am of the view that an opportunity can be

granted 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

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PA to Judge

