

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Bail Appl..No. 1117 of 2015 ()

CRIME NO. 2884/2014 OF CHAVARA POLICE STATION, KOLLAM DISTRICT

PETITIONER/ACCUSED NO.1 :

**JERRYMON, AGED 23 YEARS
S/O.TERRY, PRIYA MANDIRAM, MEKKODU MURI
PANMANA VILLAGE, CHAVARA P.O.,
KOLLAM DISTRICT.**

BY ADV. SRI.N.VIMALAN

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

.....
B.A. No.1117 of 2015
.....

Dated this the 5th day of March, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.2884/2014 of Chavara Police Station registered for the offences punishable under Sections 323, 324, 326, 294(b) and 427 read with Section 34 IPC.

3. The allegation against the petitioner and other accused is that on 03.12.2014 at 4.45 p.m. while the de facto complainant was riding on his motor bike, the accused abused him and when he slowed down the motor bike, he was dragged down and he was beaten up with iron rods, thereby he sustained fracture of the 4th finger of his left hand. When he got up and ran to the nearby house, they chased him and he was again beaten up. His hand was caught and twisted, thereby he suffered his right shoulder

dislocation.

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

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. At the same time, it is a matter of concern that there is 7 days of delay in launching the prosecution and the same has not been properly explained. But, at the same time, the said fact cannot weigh with the court at present when considering an application seeking anticipatory bail. The allegations against the petitioner are very grave and serious. Matters being so, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner. At the same time, it seems that no criminal antecedents have been reported against the petitioner. By considering the said fact, I am of the view that an opportunity can be granted 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)

aks/05/03

// True Copy //

PA to Judge