

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Bail Appl..No.1205 of 2015

(CRIME NO.21/2015 OF WADAKKANCHERY POLICE STATION,TRISSUR).

..

APPLICANT/ACCUSED NO.1:

**JISHNU.M.C,AGED 20 YEARS,S/O.CHANDRAN,
MELETHIL HOUSE,R.S.(P.O.),WADAKKANCHERRY.**

**BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE.)
ADVS.SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED 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 18-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B. KEMAL PASHA, J.

.....
B.A. No.1205 2015
.....

Dated this the 18th day of March, 2015

ORDER

~ ~ ~ ~ ~

Petition under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.21/2015 of Wadakkanchery Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 326 read with Section 149 IPC.

3. The allegation against the petitioner and other accused is that on 09.01.2015 at 4 p.m., they formed themselves into an unlawful assembly, armed with deadly weapons, and attacked the de facto complainant and his friends, who are students of the Vyasa College, just in front of the gate of the College. It is alleged that they were hit with punching blocks and granite stones, thereby the de facto complainant sustained series of injuries including grievous hurt.

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

5. The learned counsel for the petitioner has pointed out that all the accused, except the 1st accused, were granted anticipatory bail by the learned Sessions Judge. It seems that the specific allegation is against the petitioner herein that he had punched the de facto complainant severely with a punching block. There is no specific allegation that the other accused had made use of any weapon. It was on that ground, the learned Sessions Judge has granted anticipatory bail to the other accused. The allegation against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner, I am of the view that the custodial interrogation of the petitioner is required for the continued investigation of this case. Matters being so, the petitioner is not entitled to the discretionary relief of anticipatory bail.

6. 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)

aks/18/03

// True Copy //

PA to Judge