

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. 1262 of 2015 ()

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CRIME NO. 244/2015 OF KILIKOLLOOR POLICE STATION, KOLLAM DISTRICT.**

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PETITIONER/ACCUSED:

**RAJU. D., S/O.DAMODHARAN,
AGED 63 YEARS, KAILASOM,
KALLUMTHAZHAM P.O.,
KILIKOLLOOR, KOLLAM.**

**BY ADVS.SRI.PRATHEESH.P.,
SMT.S.SEETHA.**

RESPONDENT(S):

**STATE OF KERALA,
THROUGH THE S.I. OF POLICE,
KILIKOLLOOR POLICE STATION,
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:**

rs.

B.KEMAL PASHA, J.

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B.A. No. 1262 of 2015

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Dated this the 11th day of March, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.244/2015 of the Kilikolloor Police Station registered for the offences punishable under Sections 294(b) and 353 IPC.

3. The allegation against the petitioner is that on 10.2.2015 at 3 p.m., he abused the de facto complainant, who was appointed as a Commissioner by the Munsiff Court, Kollam, in O.S.No.683/2013, who visited the property for executing the commission order passed in I.A.No.4640/2014 in the said suit. It is alleged that he severely abused the Commissioner, obstructed the execution of the commission order and snatched away the commission order as well as the documents from the hands of the de facto complainant.

4. Heard the learned counsel for the petitioner and learned

Public Prosecutor.

5. The contents of the C.D *prima facie* reveal the complicity of the petitioner. The Advocate Commissioner appointed by the court was obstructed, abused and ridiculed. The documents were snatched away from the possession of the Advocate Commissioner. The allegations against the petitioner are very grave and serious. This is not a fit case wherein anticipatory bail can be granted to the petitioner.

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.

7. 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

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