

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Bail Appl..No. 1285 of 2015 ()

CRIME NO. 277/2015 OF PUDUKKAD POLICE STATION , TRISSUR.

PETITIONER/2ND ACCUSED:

**ANUMON T.C, AGED 27 YEARS
S/O CHANDRAN,
THANDIYEKKAPARAMBIL HOUSE,
ALATHUR DESOM,
ANANDAPURAM VILLAGE,
MUKUNDAPURAM TALUK,
THRISSUR DISTRICT.**

**BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA**

RESPONDENTS/COMPLAINANT & STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.**
- 2. SUB INSPECTOR OF POLICE,
PUDUKKAD POLICE STATION,
THRISSUR DISTRICT,
PIN-680312.**

R BY PUBLIC PROSECUTOR SMT.LALIZA.T.M.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

vmr.

B.KEMAL PASHA, J.

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B.A. No. 1285 of 2015

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Dated this the 26th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.277/2015 of the Pudukkad Police Station, registered for the offences punishable under Sections 448, 324, 326 and 506(ii) read with Section 34 IPC.

3. The allegation against the petitioner and the other accused is that on 9.2.2015 at 10.30 p.m., they committed trespass into the veranda of the house of the de facto complainant while the de facto complainant and his mother were present there and they attacked the de facto complainant with swords. It is alleged that the 1st accused inflicted a cut on his left elbow with a sword, thereby causing the fracture of the bone of his left hand. The allegation against the petitioner is that he inflicted a cut with a sword on the waist of the de facto complainant, thereby causing an injury.

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

5. The contents of the C.D *prima facie* reveal the complicity of the petitioner. It is alleged that the petitioner and the other accused had trespassed into the veranda of the house of the de facto complainant with swords and they inflicted injuries on the de facto complainant. The allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner, 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, no criminal antecedents have been reported against the petitioner. Considering the said aspect and the further fact that grievous hurt was caused by the 1st accused, I am of view that an opportunity can be given to the petitioner to surrender before the investigating officer in order 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

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P.A to Judge.