

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Bail Appl..No.1415 of 2015

(CRIME NO.111/2015 OF WANDOOOR POLICE STATION,MALAPPURAM).

..

PETITIONER/ACCUSED NO.1:

**KUTTAPPAN @ RAMANARAYANAN,
W/O.VELAYUDH,PAIKKADAN HOUSE,KARAD POST,
MALAPPURAM DISTRICT,PIN - 679 339.**

BY ADV.SRI.K.M.MOHAMED ABDURAHIMAN

RESPONDENT/COMPLAINANT AND STATE:

**STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM,
THROUGH SUB INSPECTOR OF POLICE,
WANDOOOR,MALAPPURAM-31.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B. KEMAL PASHA, J.

.....
B.A. No.1415 of 2015
.....

Dated this the 23rd 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.111/2015 of Wandoor Police Station registered for the offences punishable under Sections 323, 326 and 354 read with Section 34 IPC.

3. The de facto complainant owed a small amount to the petitioner by way of amount to be paid for having tea from the teashop of the petitioner. As the amount was not paid, it is alleged that, on 01.02.2015 at 7 p.m., the petitioner, along with A2 to A4, attacked the de facto complainant and beat him with iron rods. It is alleged that

the petitioner beat the de facto complainant on his left hand with an iron rod, thereby causing a fracture of the bone of his left hand. The 2nd accused beat on the head of the de facto complainant with an iron rod, the 3rd accused kicked him and the 4th accused fisted him on his face. All the accused had attacked the wife and daughter of the de facto complainant also and they were slapped and pushed down, thereby their modesty was outraged.

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

5. The learned counsel for the petitioner has pointed out that all the other accused, except the petitioner, were granted anticipatory bail by the court below. It seems that the main overt acts are alleged against the petitioner, who is the 1st accused. The allegations against the petitioner are very grave and serious. It seems that for a petty matter, grievous hurt was caused to the de facto complainant by the petitioner and further, the wife and daughter of the de facto

complainant were also attacked. 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, I am of the view that an opportunity can be given 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

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same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/23/03

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PA to Judge