

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

Bail Appl..No. 1536 of 2015 ()

CRL.MC 2056/2014 of SESSIONS COURT,THRISSUR
CRIME NO. 1086/2014 OF VADAKKEKAD POLICE STATION , THRISSUR

PETITIONER/1ST ACCUSED:

ASHRAF, AGED 53 YEARS
S/O.KUNJUBAVA, UKKAYIL HOUSE, SOUTH PUNNAYUR
THRISSUR DISTRICT.

BY ADVS.SMT.M.A.SHEEBA
SRI.V.C.SARATH

RESPONDENT:

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
25-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.KEMAL PASHA, J.

B.A.No.1536 of 2015 B

Dated this the 25th day of March 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the 1st accused in Crime No.1086 of 2014 of Vadakkekad Police Station registered for the offences punishable under Sections 452, 324 and 326 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that on 25.09.2014 at about 02.00 p.m., he along with the other accused committed house trespass into the house of the de facto complainant out of their previous enmity towards the de facto

complainant, and thereafter petitioner and A3 beat the de facto complainant with iron pipes thereby causing the fracture of bones of his both hands and the second accused inflicted cuts on the head of the de facto complainant repeatedly thereby inflicting very serious injuries.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. Investigation of the case is not over. It seems that the *de facto complainant* has sustained very serious injuries including 3 bleeding incised wounds on his head on different portions, a fracture at the 1/3 Rt of ulna and fracture of the head of the 5th meta carpal bone of the left hand. The allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner and the present stage of investigation, I am of the view that this is

not a fit case wherein anticipatory bail can be granted to the petitioner.

6. The petitioner had approached this court twice for the very same relief of anticipatory bail and both the said applications were dismissed by this court. There is absolutely no change of circumstances, at present.

7. 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

dl

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PA to Judge