

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

Bail Appl..No. 1698 of 2015

CRIME NO. 118/2015 OF ANCHUTHENGU POLICE STATION, KOLLAM DISTRICT.
.....

PETITIONER/ACCUSED NO.1 TO 3:

1. **JOBIN, AGED 22 YEARS,
S/O. JOSEPH, PANDAKASALA,
ANCHUTHENGU WEST, ANCHUTHENGU P.O.,
KADAKKAVOOR VILLAGE.**
2. **DEVADAS, S/O. VARGHESE,
AGED 38 YEARS, THAIKOOTTAM, -DO-.**
3. **NEJIN N., AGED 20 YEARS,
S/O. AMALOLBHAVAM, THAIKOOTTAM, -DO-**

**BY ADVS.SRI.R.SANTHOSH (VARKALA)
SRI.C.R.VIJAYAKUMARAN PILLAI
SRI.A.CHANDRA BABU
SMT.S.V.HARITHA**

RESPONDENT/RESPONDENT:

**STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
ANCHUTHENGU POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

.....
B.A. No.1698 of 2015
.....

Dated this the 30th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.118/2015 of the Anchuthengu Police Station, Kollam District, registered for the offences punishable under Sections 447, 294(b), 323, 324 and 326 read with Section 34 IPC.

3. The allegation against the petitioners is that on 19.02.2015 at 8.45 a.m., they committed trespass into the property of the de facto complainant and by using an iron rod and wooden rafter, they beat him up. It is alleged that the 1st accused beat on his head with an iron rod and the other accused repeatedly beat on various parts of the body of the de facto complainant with a rafter. In the instance, the de facto complainant sustained serious injuries including a fracture.

4. Heard the learned counsel for the petitioners and the

learned Public Prosecutor.

5. It has come out that Crime No.117/2015 of the very same Police Station was registered against the de facto complainant, in this case, alleging an offence punishable under Section 308 IPC. In that case, he was arrested. It has come out that the 1st petitioner herein had some illicit connection with the wife of the de facto complainant herein and on account of the same, there occurred a quarrel in between the de facto complainant and one Vipin, who is one of the relatives of the 1st accused. It seems that the petitioners herein had deliberately attacked the de facto complainant and caused grievous hurt. The contents of the C.D *prima facie* reveal the complicity of the petitioners. The allegations against the petitioners are very grave and serious. Considering the seriousness of the allegations against the petitioners and the injuries sustained to the de facto complainant, I am of the view that this is not a fit case wherein anticipatory bail can be granted.

6. The learned counsel for the petitioners seeks for an

opportunity to the petitioners 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 petitioners may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioners, effect recovery if any, and conduct the investigation and produce the petitioners without delay before the concerned Judicial First Class Magistrate's Court, where the petitioners 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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PA to Judge