

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

Bail Appl..No. 1744 of 2015

CRIME NO. 1813/2014 OF NEMOM POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/3RD ACCUSED :

**MUNEER, AGED 31 YEARS,
S/O.NURUDEEN, VELIKKAKAM VEEDU,
PAZHAYAKARAKKAMANDAPAM, NEMOM P.O.,
THIRUVANANTHAPURAM.**

BY ADV. SRI.M.SREEKUMAR

RESPONDENT(S)/STATE & COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE,
NEMOM POLICE STATION, THIRUVANANTHAPURAM - 695 020.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

B.A.No.1744 of 2015

Dated this the 7th day of April 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the third accused in Crime No.1813/2014 of Nemom police station registered for the offences punishable under Sections 143, 147, 148, 324, 326, 308 and 379 read with Section 149 I.P. C.

3. The allegation against the petitioner and other accused is that on 12.12.2014 at 6.30 a.m., they formed themselves into an unlawful assembly armed with deadly weapons like chopper, dumpels, steel stump etc., attacked the *defacto complainant* and caused injuries to him and caused grievous hurts to him.

4. Heard learned counsel for the petitioner and learned

Public Prosecutor.

5. The learned counsel for the petitioner has pointed out that this petitioner, along with A4, had approached the Sessions Court, Thiruvananthapuram for anticipatory bail and anticipatory bail has been granted to A4 and the same was denied to the present petitioner. The contents of the CD *prima facie* reveal the complicity of the petitioner. It has been specifically alleged that these petitioners along with A1 and A2 had attacked the *defacto complainant* and caused serious injuries to him. It is specifically alleged that the petitioner herein had made use of a steel stump for attacking the *defacto complainant*. It seems that the *defacto complainant* has sustained very serious injuries. This is not a fit case wherein anticipatory bail can be granted to the petitioner. At the same time, it seems that no criminal antecedents have been reported against the petitioner. Considering the said aspect, I am of the view that an opportunity can be granted 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