

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

Bail Appl..No. 2874 of 2015

CRIME NO. 1623/2014 OF IRINJALAKUDA POLICE STATION , TRISSUR

PETITIONER(S)/ACCUSED 1 TO 7:

1. **YATHEENDRA DAS, AGED 29 YEARS,
S/O RANAN, PAYYAPPILLY HOUSE, CANAL BASE DESOM
IRINJALAKUDA P.O, THRISSUR DISTRICT.**
2. **SATHEESH, AGED 33 YEARS,
S/O KUTTAPPAN, THALAPPILLY HOUSE, CANAL BASE DESOM
IRINJALAKUDA P.O, THRISSUR DISTRICT.**
3. **ARUN, AGED 37 YEARS,
S/O CHANDRAN, THOTTAPPILLY HOUSE, CANAL BASE DESOM
IRINGALAKUDA .O, THRISSUR DISTRICT.**
4. **SHINTO, AGED 29 YEARS,
S/O OUSEPHO, THALIYAKUZHI HOUSE CANAL BASE DESOM
IRINJALAKUDA P.O, THRISSUR DISTRICT.**
5. **SHANTO, AGED 33 YEARS,
S/O OUSEPH, THALIYAKUZHI HOUSE, CANAL BASE DESOM
IRINJALAKUDA P.O, THRISSUR DISTRICT.**
6. **JINO, AGED 30 YEARS,
S/O JOY, KURISUVEETIL HOUSE, CANAL BASE DESOM
IRINJALAKUDA P.O, THRISSUR DISTRICT.**
7. **SUBASH, AGED 42 YEARS,
S/O KUMARAN, NEDUMPILY HOUSE, CANAL BASE DESOM
IRINJALAKUDA P.O, THRISSUR DISTRICT.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.N.L.BITTO**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REP.BY THE SUB INSPECTOR OF POLICE,
IRINJALAKUDA POLICE STATION, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.LILLY LESLIE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K.RAMAKRISHNAN, J.

Bail.Appln.No.2874 of 2015

Dated this the 22nd day of July, 2015

ORDER

This is an application for anticipatory bail, filed by the accused numbers 1 to 7 in Crime No.1623/2014 of Irinjalakuda Police station under Section 438 of the Code of Criminal Procedure (hereinafter called the 'Code'), 1973.

2. The case of the prosecution in nutshell was that on 07.01.2015, at about 9 P.M. the accused persons formed themselves into an unlawful assembly with deadly weapons, with a common object to cause grievous hurt to the defacto complainant and his friends as the defacto complainant's friend one Manu had questioned them regarding an incident happened on the same day and caused grievous head injuries to Manu and Bhasheer and caused injuries to others and thereby, all of them committed the offences punishable under Sections 143,

147, 148, 324 and 326 read with 149 of the Indian Penal Code.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the Case Diary file.

4. The counsel for the petitioners submitted that the petitioners have not committed any offence and they are innocent for the same and they have been falsely implicated in the case. In fact, the third accused Arun had sustained grievous injuries and no action was taken by the police in this regard. So he prayed for allowing the application.

5. The application is opposed by the learned Public Prosecutor on the ground that the investigation is still in progress.

6. It is seen from the records that the above crime was registered on the basis of the statement given by the defacto complainant against 12 identifiable persons, alleging commission of the above said offences. During investigation, it was revealed that the present

seven petitioners have involved in the crime and they have been arrayed as accused Nos.1 to 7 in the crime. The petitioners have not produced any documents to show that the third petitioner had sustained injuries in the incident as claimed by them. However, the investigation is still in progress and it is in the primary stage and the presence of the petitioners may be required for proper investigation. So, considering the gravity of the offences and the manner in which it was committed and also the nature of the injuries sustained by the injured persons, this Court feel that it is not a fit case to grant anticipatory bail to the petitioners invoking the power under Section 438 of the Code. But that will not prevent the Magistrate considering the regular bail application and pass appropriate orders on their surrender before that court.

7. The petitioner is directed to surrender before the investigating officer and the investigating officer on interrogation, if found their arrest is required, then after recording their arrest, produce them before the concerned Magistrate court without delay and on such production, if

the petitioners move for regular bail, then the learned Magistrate is directed to consider and dispose of the bail application after hearing the Assistant Public Prosecutor of that Court as far as possible, on the date of filing the application itself.

With the above directions and observations, the application is dismissed.

Sd/-
K.RAMAKRISHNAN
JUDGE

VS

/TRUE COPY/

PA TO JUDGE