

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

Bail Appl..No. 3203 of 2015

CRIME NO. 435/2015 OF HOSDURG POLICE STATION , KASARGOD

PETITIONER/ACCUSED NO.2:

**VINOSH T., AGED 21 YEARS,
S/O.VIJAYAN, THOTTIYIL HOUSE, MUKKOD,
RAVANESWAR P.O, CHITHARI VILLAGE , HOSDURG TALUK,
KASARAGOD DISTRICT.**

BY ADV. SRI.S.VISHNU (TRIPUNITHURA)

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE S.I OF POLICE,
HOSDURG POLICE STATION,
(CRIME 435/2015) REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

RAJA VIJAYARAGHAVAN.V. J

B.A.3203 of 2015

Dated 16th October, 2015

ORDER

- 1.This is a petition filed u/s 438 of the Code of Criminal Procedure seeking pre-arrest bail.
- 2.The petitioner is the 2nd accused in crime No.435 of 2015 of Hosdurg police station, Kasaragode District. The said crime has been registered alleging offence punishable u/s 143, 145, 148, 452, 427, 506(1) r/w S.149 of the IPC.
- 3.The prosecution allegation is that on 23.4.2015 at 2.00 am the petitioner along with the co-accused formed themselves into an unlawful assembly armed with deadly weapons and trespassed into the house of the de facto complainant and destroyed the household articles, furniture and a car.

4.I have heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

5.The learned counsel appearing for the petitioner has submitted that the petitioner was falsely implicated in the crime. The learned Public Prosecutor, on the other hand, has submitted that the petitioner is involved in two other crimes as well.

6.I am of the view that the petitioner is not entitled to pre-arrest bail in the facts and circumstances. Hence, the Bail application stands dismissed.

7.However, the petitioner, if he so desires or is so advised, may surrender before the Investigating Officer within ten days from today and in such case, the Investigating Officer shall interrogate the petitioner, effect recovery if any, and conduct necessary investigation and thereafter, 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.

The Bail application is disposed of as above.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True copy//

P.S. To Judge