

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. 3205 of 2015

CRIME NO. 437/2015 OF HOSDURG POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED NO.3:

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

BY ADV. SRI.S.VISHNU (TRIPUNITHURA)

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE S.I. OF POLICE,
HOSDURG POLICE STATION (CRIME 437/2015),
REPRESENTED BY 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.3205 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 3rd accused in crime No.437 of 2015 of Hosdurg police station, Kasaragode District. The said crime has been registered alleging offence punishable u/s 143, 147, 148, 294(b) 324. 341, 427 r/w S.149 of the IPC.
3. The prosecution allegation is that on 23.4.2015 during early hours the petitioner, along with others, formed themselves into an unlawful assembly armed with deadly weapons attacked the de facto complainant and inflicted injuries.

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. Further it was submitted that the injured has sustained serious injuries .

6. After having considered the relevant facts and circumstances, I am of the considered view that the appellant is not entitled to the relief of anticipatory Bail.

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