

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Bail Appl..No. 4771 of 2014 ()

**CRIME NO. 594/2014 OF PUTHENCROZE POLICE STATION, THIRUVANIYOOR,
ERNAKULAM DISTRICT**

PETITIONER(S)/ACCUSED:

1. P.K. MANI,AGED 58 YEARS,
CHOTHEMKUZHIYIL (H), MARANGATTULLIL (KARA),
THIRUVANIYOOR (P.O), THIRUVANIYOOR.
2. SANTHA MANI,AGED 46 YEARS,
CHOTHEMKUZHIYIL (H), MARANGATTULLIL (KARA),
THIRUVANIYOOR (P.O), THIRUVANIYOOR.

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. CIRCLE INSPECTOR OF POLICE,
PUTHENCROZE POLICE STATION, THIRUVANIYOOR-682 308.
3. SUB INSPECTOR OF POLICE,
PUTHENCROZE POLICE STATION, THIRUVANIYOOR- 682 308.
4. RAKESH C.N,
S/O.NJOONJAPPAN, CHOKKANAM MUKALIL,
VADAYAMPADI KOLANI -682 308.

R1 TO R3 BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

B.KEMAL PASHA, J.

B.A.No.4771 of 2014

Dated this the 15th day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.2 and 1 respectively, in Crime No.594/2014 of Puthancruze Police Station registered for the offences punishable under Sections 326A and 324 read with Section 34 of the Indian Penal Code.

3. It is alleged that, out of previous enmity between the petitioners and de-facto complainant in connection with their family property, the de-facto complainant committed trespass into the property of the petitioners on 2.5.2014, threw bricks on to the house of the petitioners and attacked the daughter of the petitioners. Then the first petitioner allegedly beat the de-facto complainant with a firewood and the second petitioner poured acid

on to the face of the de-facto complainant, thereby causing burn injuries, which has resulted in total damage to his left eye.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. The contents of the C.D., *Prima facie* reveal the complicity of the petitioners. This is a case wherein the de-facto complainant had allegedly committed trespass into the property of the petitioners and attacked their house, as well as their daughter. Whatever it is, the investigation is in a stand still, as the chemical substance allegedly made use of by the second petitioner could not be recovered and seized. Matters being so, this is a case wherein the custodial interrogation of the petitioners is required for the continued investigation of the case. Considering the seriousness of the allegations against the petitioners and the present stage of investigation, I am satisfied that this is not a fit case wherein anticipatory bail can be granted to the petitioners.

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