

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Bail Appl..No. 5267 of 2015 ()

CRIME NO. 812/2015 OF SREEKARIYAM POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED :

1. SUMARAJ
AGED 28 YEARS, S/O.SUKUMARAN,
SUMARAJ BHAVAN, VENCHAVODE
SREEKARIYAM, THIRUVANANTHAPURAM.

2. RAJEESH
AGED 37 YEARS, S/O.SADASIVAN,
VALIYAVILA VEEDU, CURA 55
VENCHAVODE SREEKARIYAM,
THIRUVANANTHAPURAM.

BY ADVS.SRI.A.ABDUL HAKKIM
SRI.A.CHANDRA BABU

RESPONDENT/STATE :

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-682 031.

2. THE SUB INSPECTOR OF POLICE,
SREEKARIYAM POLICE STATION, THIRUVANANTHAPURAM
PIN-695 001.

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

A.HARIPRASAD, J.

B.A.No.5267 of 2015

Dated this the 7th day of September, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime No.12 of 2015 of Sreekariyam Police Station registered for the offences punishable under Sections 342, 365, 368, 323, 324, 506(ii) and 427 r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that the first accused, who was nurturing enmity towards the *de facto* complainant, abducted the *de facto* complainant to a secrete place. They along with other accused persons manhandled the *de facto* complainant. Thereafter, he was shifted to another place and again caused harm to him. Petitioners plead innocent.

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

5. Learned Public Prosecutor submitted that the petitioners have been named in the FIS. First accused is involved in another crime. Considering the nature of the

allegations and the stage of investigation, I find no reason to invoke the jurisdiction under Section 438 of the Code of Criminal Procedure in favour of the petitioners.

Petitioners shall surrender before the C.I. of Police, Medical College Police Station, Thiruvananthapuram within a period of 'one week' from today and submit themselves for interrogation. Thereafter, the Investigating Officer shall produce them before the magistrate having jurisdiction on the date of his surrender. Thereafter, the petitioners may move for regular bail. In that event, the learned magistrate shall consider the application on merits .

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge