

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

Bail Appl..No. 5386 of 2015 ()

CRIME NO. 516/2015 OF CHANDERA POLICE STATION , KASARGOD DISTRICT

PETITIONER/ACCUSED NO.3:

**IBRAHIM .K.M.C., AGED 22 YEARS,
S/O.ISMAIL, RESIDING AT RUKIYA MANZIL, P.O PADNE,
PANE VILLAGE, HOSDURG TALUK,
KASARGOD DISTRICT.**

BY ADV. SRI.M.V.AMARESAN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A. HARIPRASAD, J.

Bail Appl. No.5386 of 2015

Dated this the 14th day of September 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.516 of 2015 of Chandra Police station registered for the offences punishable under Secs.143, 147, 148, 308, 324 and 506(ii) read with Sec.149 of the Indian Penal Code. The prosecution case is that on 14.07.2015 at about 11.15 p.m., the petitioner along with the co-accused, formed themselves into an unlawful assembly, armed with deadly weapons like iron rod, reapers etc., attacked the defacto complainant causing injuries. The first accused used iron rod and the petitioner being a member of the unlawful assembly, vicariously liable for the criminal act. This Court considered and disposed of B.A. Nos.4478 and 4484 of 2015 by a common order dated 06.08.2015 wherein, plea of anticipatory bail by the petitioner was turned down.

3. Heard the learned counsel for the petitioner

and the learned Public Prosecutor.

4. Learned counsel for the petitioner submitted that this Court refused bail to the petitioner finding that he is involved in Crime No.314 of 2011 of the same Police station also. Annexure-2 is the FIR in the said crime. It is submitted on behalf of the petitioner that name of the petitioner was not mentioned in the First Information Statement in the other case and it was added later on.

5. Considering the fact that this Court had already taken a view that the petitioner is not entitled to get pre-arrest bail, I do not find any change of circumstances. Therefore, the following directions are issued.

“The petitioner shall, within two weeks, surrender before the investigating officer and submit himself for interrogation. Thereafter, the investigating officer shall produce the petitioner before the learned Magistrate having jurisdiction on the date of surrender itself. The petitioner is free to move for bail before the

learned Magistrate. In that event, the learned Magistrate shall consider the bail application on merits as expeditiously as possible, if possible on the date of surrender itself.”

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

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P.A. To Judge