

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Bail Appl..No. 6000 of 2015 ()

CR. NO. 635/2015 OF ARYANKODE POLICE STATION.

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PETITIONERS/A2 TO A6:

- 1. ABHILASH, S/O.DEVARAJAN, AGED 26 YEARS,
PULLANKUZHI KIZHAKUMKARA VEEDU,
MANJAMCODE, CHILAMBARA DESOM. (A2)**
- 2. PRADEESH, S/O. DEVARAJAN, AGED 21 YEARS,
OF -DO- -DO-. (A3)**
- 3. AKHIL XAVIER, S/O. SURESH KUMAR,
AGED 20 YEARS, ANUGRAHA BHAVAN,
PULLANKUZHI, MANJAMCODE, CHILAMBARA DESOM. (A4)**
- 4. LIJIN RAJ, S/O. JUSTIN RAJ, AGED 23 YEARS,
LIJIN BHAVAN, OF -DO- -DO-. (A5)**
- 5. REJI, S/O. CHRISTUDAS, AGED 21 YEARS,
KIZHEKONAM KIZHAKUMKARA VEEDU, OF -DO--DO-. (A6)**

**BY ADVS.SRI.SASTHAMANGALAM S. AJITHKUMAR,
SRI.V.S.THOSHIN.**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REP. BY THE S.I. OF POLICE,
ARYANKODE POLICE STATION, TRIVANDRUM (RURAL),
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI.REJI JOSEPH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

RAJA VIJAYARAGHAVAN V, J.

B.A.No.6000 of 2015

Dated this the 14th day of October, 2015

O R D E R

This is a petition filed under S.438 of the Code of Criminal Procedure.

2. The petitioners are accused Nos.2 to 6 in Crime No.635/2015 of the Aryankode Police Station. They are alleged to have committed offence punishable under S.143, 147, 148, 149, 447, 452, 323, 324 & 506(1) of the Indian Penal Code.

3. The allegation is that on 27.08.2015 at 9.00 p.m., the petitioners had trespassed into the house of one Lalithamma and inflicted injuries on her sons , with iron rod and wooden sticks.

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

5. The learned counsel appearing for the petitioners submitted that the allegations as against them are false.

6. The learned Public Prosecutor has vehemently opposed the application and submitted that serious injuries have been inflicted on the sons of the informant by the petitioners by trespassing into her residential home.

7. It appears that the allegations against the petitioners are serious. This is not a case where the discretionary relief of anticipatory bail can be granted to the petitioners. At the same time, after considering all the other circumstances pointed out by the learned counsel appearing for the petitioners, I am of the view that an opportunity can be granted to the petitioners to surrender before the investigating officer and to co-operate with the

investigation.

In the result, the bail application is dismissed. However, the petitioners, if so advised, may surrender before the Investigating Officer within ten days from today and in such event, the Investigating Officer shall interrogate the petitioner, effect recovery if any, and conduct necessary investigation and thereafter produce the petitioners without delay before the jurisdictional magistrate where the petitioners can move an application for bail. In such event, 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.

The bail application is disposed of as above.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge