

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 6715 of 2015

**CRIME NO. 1095/2015 OF PARASSALA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**
.....

PETITIONER/ACCUSED (A1):

**RATHEESH, AGED 32 YEARS,
S/O.RAMABHADRAN, RESIDING AT
KAROTTU CHANI KIZHAKKEKARA PUTHENVEEDU,
MARAYAMUTTOM.P.O.**

BY ADV. SRI.R.T.PRADEEP

RESPONDENT/STATE:

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

RAJA VIJAYARAGHAVAN V, J.

B.A.No.6715 of 2015

Dated this the 30th day of October, 2015

O R D E R

This is an application for anticipatory bail filed under S.438 of the Code of Criminal Procedure.

2. The petitioner herein is the first accused in Crime No.1095/2015 of Parassala police station. The said crime has been registered for the offence punishable under S.143, 147, 148, 149, 294(b), 323, 324, 326 and S.354 of the IPC.

3. The prosecution allegation is that the petitioner along with the other accused, after trespassing into the compound of the residential house of the brother of the informant, assaulted the informant with iron rod causing serious injuries including fracture of bones. The prosecution also alleges that the mother of the informant was beaten

with dangerous weapons.

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

5. The learned counsel appearing for the petitioner has submitted that the petitioner is a young man and he had absolutely no role in the commission of the offence. An alternative version of the incident is also narrated by the learned counsel relying on the F.I.R. in Crime No. 1095/2015 registered by the Parassala police station based on the information furnished by the sister of the petitioner. The learned counsel also submitted that the parties are close relatives and in view of the relationship element and the chances of re-union of the petitioner's sister as well as the brother of the informant, a lenient view be taken.

6. The learned Public Prosecutor, on the other hand,

submitted that the petitioner along with the co-accused had trespassed into the residential house of the brother of the informant during night time and serious injuries have been caused to the informant as well as her mother.

7. In view of the nature and gravity of the allegations, I am not inclined to grant the extraordinary relief of anticipatory bail to the petitioner. At the same time, by considering the circumstances pointed out by the learned counsel for the petitioner and in the absence of any criminal antecedents on his part, I am of the view that an opportunity can be granted to the petitioner to surrender before the Investigating Officer and to co-operate with the investigation.

In the result, this bail application is dismissed. However, the petitioner, if he so desires, 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 jurisdictional Magistrate, where the petitioner can move for bail. If the petitioner so appears and applies for bail, needless to say, the learned Magistrate must proceed to pass orders on merits after anxiously considering the contentions of the petitioner, in accordance with law and expeditiously, preferably on the date of surrender itself.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge