

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Bail Appl..No. 6753 of 2015

CRIME NO. 630/2015 OF THAMARASSERY POLICE STATION, KOZHIKODE DISTRICT.
.....

PETITIONER(S)/ACCUSED 3 TO 6:

1. SHAHADALI, (ACCUSED NO.3)
S/O. YOOSUF, KUYIIL PEEDIKAYIL HOUSE,
ELETTIL VETTOLI, KIZHAKKOTH AMSOM,
THAMARASSERY TALUK, KOZHIKODE DISTRICT.
2. MUHAMMED RAFI, AGED 22 YEARS, (ACCUSED NO.4)
S/O. SULAIMAN, VAYPURATH VEEDU, RAROTH AMSOM,
THAMARASSERY TALUK, KOZHIKODE DISTRICT.
3. JAYANANDAN @ JAYANTHU, (ACCUSED NO.5)
S/O. PRABHAKARAN, PANACHI PARAMBIL HOUSE,
PARAPPANPOYIL, THAMARASSERY TALUK,
KOZHIKODE DISTRICT.
4. SAREESH KUMAR @ KUNHUTTAN, (ACCUSED NO.6)
S/O. BALARAMAN, AREECHOLAYIL VEEDU, PARAPPANPOYIL,
THAMARASSERY TALUK, KOZHIKODE DISTRICT.

BY ADV. SRI.LUIZ GODWIN D'COUTH

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
THAMARASSERY POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.6753 of 2015

Dated this the 29th day of October, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 3 to 6 in Thamarassery Police Station Crime No.630 of 2015 registered for offences punishable under Sections 143, 147, 148, 341, 323, 324, 326 and 309 read with Section 149 of the Indian Penal Code.

3. Prosecution case is that on 29.08.2015 at 7.00 p.m. while the defacto complainant and his friends were travelling in a car from Wayanad to Kozhikode, the accused persons came in another car and restrained the car in which the defacto complainant was travelling. It is the allegation that the car in which the defacto complainant was travelling did not give way to the car in which the accused were travelling. In connection with that the petitioners along with other accused inflicted serious injuries including breakage of teeth.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that there is no overtact alleged against the petitioners. This submission is refuted by the

learned Prosecutor contending that the petitioners are allegedly assaulted the defacto complainant.

Considering the entire facts and circumstances, following directions are issued:

Petitioners shall surrender before the investigating officer within a period of one week and submit themselves for interrogation. Thereafter, the investigating officer shall produce them before the Magistrate having jurisdiction on the date of surrender itself. In that event, they are free to move for bail and the learned Magistrate shall consider the application on merits and pass appropriate orders as expeditiously as possible, if possible on the date of production itself. If petitioners do not surrender before the investigating officer within the said time, the investigating officer is free to arrest them, as if no order is passed in this case.

Application is disposed of.

A. HARIPRASAD, JUDGE.

cks