

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Bail Appl. No. 6781 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN CRMC No.1898/2015 of D.C & SESSIONS
COURT, THIRUVANANTHAPURAM DATED 17-09-2015
CRIME NO. 598/2015 OF VATTAPPARA POLICE STATION, THIRUVANANTHAPURAM**

PETITIONER(S)/2ND ACCUSED :

**RAKESH, AGED 29 YEARS,
S/O. MOHANAN, SISIRABHAVAN, PANTHALACODE P.O.,
KUTTIANI, VATTAPPARA, THIRUVANANTHAPURAM.**

BY ADV. SRI.M.R.SARIN

RESPONDENT(S):

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

**2. SUB INSPECTOR OF POLICE,
VATTAPPARA POLICE STATION.**

BY PUBLIC PROSECUTOR SMT. BINDHU GOPINATH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

BABU MATHEW P. JOSEPH, J.

B.A. No.6781 of 2015

Dated this the 12th day of November, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned public prosecutor appearing for the respondent. C.D. produced.

3. The petitioner is the 2nd accused in Crime No.598 of 2015 of Vattappara Police Station. The offences alleged are under Sections 294(b), 341, 323, 394 and 307 read with Section 34 of the Indian Penal Code and under Section 27 of the Arms Act. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. The investigation of the case has progressed much. The petitioner has been falsely implicated in this case at the instance of the

defacto complainant. He further submits that the petitioner apprehends arrest by the police at any time.

4. Learned public prosecutor has opposed this petition. She submits that the investigation of the case is yet to be completed. There are four accused in this case. The offences alleged against them are grave in nature. If the petitioner is granted anticipatory bail, there is every chance of him influencing the witnesses or tampering with the evidence. The chances of him fleeing from justice cannot be ruled out. The due progress of investigation also may be affected. Therefore, she prays for dismissing this petition.

The investigation of the case is yet to be completed. The offences alleged are grave in nature. On considering the facts and circumstances, this Court is of the view that the submissions made by the learned public prosecutor opposing the anticipatory bail application

should be weighed with this Court. This is not a fit case for granting anticipatory bail. Therefore, this petition is dismissed.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

ww/13/11/2015