

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. 6793 of 2015 ()

CRIME NO. 1487/2015 OF ANCHALUMMOODU POLICE STATION, KOLLAM DISTRICT.

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PETITIONERS/ACCUSED NOS.1 TO 6:

- 1. VISHNU, S/O.AJAYAN,
AGED 19 YEARS, REJI BHAVAN,
INCHAVILA P.O., PANAYAM, KOLLAM.**
- 2. AMBADI, S/O.SATHYAN,
AGED 19 YEARS, AMBADI BHAVAN,
INCHAVILA, PANAYAM, KOLLAM.**
- 3. ANU, AGED 17 YEARS,
S/O.SUNIL KUMAR, INCHAVIAL,
PANAYAM, KOLLAM.**
- 4. NOUFAL, AGED 17 YEARS,
S/O.SHAMEER, SHAMEENA MANZIL,
INCHAVIAL, PANAYAM, KOLLAM.**
- 5. ACHU, S/O.SUNIL,
AGED 19 YEARS, ANU BHAVANAM,
INCHAVILA, PANAYAM, KOLLAM.**
- 6. AKHIL, S/O.SATEESAN,
AGED 17 YEARS, AMAL BHAVAN,
INCHAVILA, PANAYAM, KOLLAM.**

**BY ADVS.SRI.K.SIJU,
SMT.S.SEETHA.**

RESPONDENT(S):

**STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
ANCHALUMMOODU POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY SR. 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:**

rs.

A.HARIPRASAD, J.

B.A. No.6793 of 2015

Dated this the 29th day of October, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Bail application by accused 1 to 6 in Anchalumoodu Police Station Crime No.1487 of 2015 registered for offences punishable under Sections 143, 147, 148, 452, 323, 324 and 354 read with Section 149 of the Indian Penal Code.

3. Heard both sides.

4. Learned counsel for the petitioners submitted that petitioners 3, 4 and 6 are juveniles. Records have been produced to show that they are under 18 years of age at the time of occurrence. Therefore, their application cannot be considered under Section 438 of the Code of Criminal Procedure as they are to be dealt with under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000. In respect of petitioners 1, 2 and 5 the prosecution case is that they, as members of an unlawful assembly, on 03.10.2015 assaulted the defacto complainant with an iron rod causing injury to head. Second accused beat him with an iron rod. Learned counsel for the petitioners submitted that there is a counter

case in connection with the same incident.

5. Learned Prosecutor opposed the bail application.

After hearing counsel on both sides and perusing the material records, I am of the view that following directions can be issued in respect of petitioners 1, 2 and 5:

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.

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