

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Bail Appl..No. 7361 of 2015

CRMP 2144/2015 of ADDL. SESSIONS COURT-I, KOTTAYAM
CRIME NO. 1882/2015 OF KARUKACHAL POLICE STATION, KOLLAM

PETITIONER(S)/ACCUSED 1, 3, 4 & 2:

1. ADARSH A.S., AGED 29 YEARS,
ARANAPPARA HOUSE, NEDUMANNI P.O.NEDUMKUNNAM, KOTTAYAM.
2. NIKHIL SASEENDRAN PILLAI AGED 42 YEARS
UZHUTHARAPPALLIL HOUSE, NEDUMANNI P.O.NEDUMKUNNAM
KOTTAYAM.
3. RAHUL M.R. AGED 28 YEARS
RAHUL BHAVAN, NEDUMANNI P.O., NEDUMKUNNAM
KOTTAYAM.
4. RAJESH B, AGED 32 YEARS
VENGASSERIL HOUSE, MANTHURUTHI P.O., 12TH MILE
NEDUMKUNNAM, KOTTAYAM.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENT(S)/STATE:

1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM - 682 031.(CRIME NO.1882/2015 OF KARUKACHAL POLICE STATION
KOTTAYAM DISTRICT).
2. STATION HOUSE OFFICER
KARUKACHAL POLICE STATION
KOTTAYAM DISTRICT -686 540. (CRIME NO.1882/2015 OF KARUKACHAL
POLICE STATION KOTTAYAM DISTRICT).

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-12-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

RAJA VIJAYARAGHAVAN.V. J

B.A. 7361 of 2015

Dated 21st December, 2015

ORDER

- 1.This petition is filed u/s 438 of the Code of Criminal Procedure seeking pre-arrest bail.
- 2.The petitioners are accused Nos. 1, 3, 4 and 2 in Crime No.1882 of 2015 of Karukachal police station. The aforesaid crime has been registered alleging offence punishable u/s 323, 324, 326 r/w S.34 of the IPC.
- 3.The gist of the prosecution allegation is that on 26.10.2015 at 9.30 pm, the petitioners, in furtherance of their common intention wrongfully restrained the informant and inflicted grievous injuries using dangerous weapons. It is further alleged that the informant, in addition to sustaining injuries all over his body, had also sustained a fracture to the left ring finger.

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 petitioner has submitted that the registration of the crime is politically motivated. It is submitted that the incident had not happened in the manner alleged.

6.The application was vehemently opposed by the learned Public Prosecutor and submitted that custodial interrogation cannot be dispensed with in the facts and circumstances.

7.It appears prima facie from the earliest records that there are serious allegations against the petitioners. This is not a fit case where discretionary relief of pre-arrest bail can be granted. At the same time, after considering all the 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.

8. In the result, the application is disposed of directing that the petitioners, if they so desire or are so advised, may surrender before the Investigating Officer within two weeks from today and in such case, the Investigating Officer shall interrogate the petitioners, effect recovery if any, and conduct necessary investigation and thereafter produce the petitioners without delay before the jurisdictional Magistrate, where the petitioners can move for bail. If the petitioners so appear and apply for bail, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously, preferably on the date of surrender itself.

Sd/-

**RAJA VIJAYARAGHAVAN.V.
Judge**

MrCs/21/12/2015