

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

Bail Appl..No. 7988 of 2014 ()

CRIME NO. 1115/2014 OF KUNNAMANGALAM POLICE STATION, KOZHIKODE DIST.

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PETITIONER/ACCUSED:

**JITHESH, AGED 35 YEARS,
S/O. VENU NAIR, KURUNGOTTU HOUSE,
MIE KUNNAMANGALAM,
CHETHUKADAVU, KOZHIKODE.**

**BY ADVS.SRI.S.RAJEEV,
SRI.K.K.DHEERENDRAKRISHNAN.**

RESPONDENTS/STATE:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM DISTRICT - 682 031,
(CRIME NO. 1115/2014 OF KUNNAMANGALAM POLICE STATION,
KOZHIKODE DISTRICT).**
- 2. STATION HOUSE OFFICER,
KUNNAMANGALAM POLICE STATION,
KOZHIKODE DISTRICT - 673 571.
(CRIME NO.1115/2014 OF KUNNAMANGALAM POLICE STATION,
KOZHIKODE DISTRICT).**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A. No. 7988 of 2014

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Dated this the 19th day of February, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1115/2014 of the Kunnamangalam Police Station, registered for the offences punishable under Sections 323, 324, 506(ii) and 308 IPC and Section 5 of the Arms Act.

3. The allegation against the petitioner is that on 15.09.2014 at 9 p.m., he attacked the de facto complainant and his brothers and attempted to commit culpable homicide by cutting them with a sword which is a prohibited weapon within the meaning of the Arms Act.

4. Heard learned counsel for the petitioner and learned Public Prosecutor.

5. The contents of the C.D. *prima facie* reveal the complicity of the petitioner. The de facto complainant has

sustained serious injuries. It has been reported that the petitioner is an accused in more than 15 criminal cases and further, proceedings are pending against him under Section 107 Cr.P.C. It seems that the petitioner is a habitual offender and a hardened criminal. Considering the seriousness of the allegation against the petitioner, and his serious criminal background, I am satisfied that the petitioner is not entitled to the discretionary relief of anticipatory bail.

The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the

petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA, JUDGE

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P.A to Judge