

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Bail Appl..No. 8302 of 2014 ()

CRIME NO. 426/2014 OF CHANDERA POLICE STATION, KASARAGOD DISTRICT.

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PETITIONERS/ACCUSED 4 AND 7:

- 1. SAKEER. K., S/O.ASHRAF M.,
AGED 23 YEARS, RESIDING AT KURIYA HOUSE,
VALVAKKAD, KASARAGOD DISTRICT.**
- 2. HUSAIN. A.P., AGED 20 YEARS,
S/O.AHMED, RESIDING AT A.P. HOUSE, KAROLAM,
ELAMBACHI P.O., KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU.

RESPONDENT/STATE:

**THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
CHANDERA POLICE STATION, KASARAGOD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A. No. 8302 of 2014

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Dated this the 10th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A4 and A7 in Crime No.426 of 2014 of the Chandra Police Station, registered for the offences punishable under Sections 143, 147, 148, 341, 323, 326 and 308 read with Section 149 IPC.

3. The allegation against the petitioners and the other accused is that on 13.05.2014 at 06.45 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and attacked the defacto complainant after wrongfully restraining him. It is alleged that the 1st petitioner herein hit on the nose of the defacto complainant with some weapon, thereby causing a nasal bone fracture. The 2nd petitioner put a stone onto the head of the defacto complainant. As it is ward off by the uncle of the defacto complainant, he marginally escaped.

4. Heard the learned counsel for the petitioners and

the learned Public Prosecutor.

5. The contents of the CD *prima facie* reveal the complicity of the petitioners. The allegations against the petitioners are very grave and serious. Considering the seriousness of the allegations against the petitioners and the present stage of the investigation, I do not think that this is a fit case wherein the discretionary relief of anticipatory bail can be granted to the petitioners. At the same time, no criminal antecedents have been reported against the petitioners. By considering the said aspect, I am of the view that while dismissing the bail application an opportunity can be granted to the petitioners 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 petitioners may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioners, effect recovery if any, and conduct the investigation and produce the petitioners without delay before the court below,

where the petitioners 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

DSV/12/2/15

//True Copy//

P.A. To Judge