

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Bail Appl..No. 8434 of 2014 ()

CRIME NO. 873/2014 OF PERUNAD POLICE STATION, PATHANAMTHITTA DIST.

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PETITIONERS/ACCUSED:

1. **DHANEESH.V.Y., AGED 24 YEARS,
S/O.LATE YESODHARAN, VALUMANNIL VEETIL,
PEZHUMPARA P.O, VADASSERIKKARA VILLAGE
RANNI & TALUK, PATHANAMTHITTA DISTRICT.**
2. **MADHU @ MUHAMMED KUNJU, AGED 48 YEARS,
S/O.LATE HASSAN RAWTHER, PUTHEN PURACKAL VEEDU,
PEZHUMPARA P.O., VADASSERIKKARA VILLAGE
RANNI & TALUK,PATHANAMTHITTA DISTRICT.**
3. **NISHAD. S., AGED 24 YEARS,
S/O.SAINUDEEN, VETTIYEDUTHA PARAMBIL VEEDU,
PEZHUMPARA P.O, VADASSERIKKARA VILLAGE
RANNI & TALUK, PATHANAMTHITTA DISTRICT.**
4. **PRAKASH. P.B. KURUP, AGED 36 YEARS,
S/O.LATE BHASKARAN, PALAKUZHYYIL VEEDU,
PEZHUMPARA P.O, VADASSERIKKARA VILLAGE
RANNI & TALUK, PATHANAMTHITTA DISTRICT.**
5. **MANURAJ. M.O., AGED 26 YEARS,
S/O.MANI, OLICKAL HOUSE,
PEZHUMPARA P.O, VADASSERIKKARA VILLAGE
RANNI & TALUK, PATHANAMTHITTA DISTRICT.**
6. **KASIM. C.M., AGED 58 YEARS,
S/O.LATE MUHAMMED, CHAVADIYIL HOUSE,
PEZHUMPARA P.O, VADASSERIKKARA VILLAGE
RANNI & TALUK, PATHANAMTHITTA DISTRICT.**
7. **SUMOD MOHANAN, AGED 22 YEARS,
S/O.LATE MOHANAN PILLAI, MALIKAYIL VEEDU,
PEZHUMPARA P.O, VADASSERIKKARA VILLAGE
RANNI & TALUK, PATHANAMTHITTA DISTRICT.**
8. **MAHESHMON. C., AGED 22 YEARS,
S/O.THAMPI, .MOOZHICKAL HOUSE,
PEZHUMPARA P.O, VADASSERIKKARA VILLAGE
RANNI & TALUK, PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.V.SETHUNATH,
SRI.V.R.MANORANJAN (MUVATTUPUZHA).**

Bail Appl..No. 8434 of 2014

RESPONDENTS/COMPLAINANT/STATE:

- 1. THE SUB INSPECTOR OF POLICE,
PERUNAD POLICE STATION,
PATHANAMTHITTA DISTRICT, PIN-689 711.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-01-2015, ALONG WITH BA NO.8504 OF 2014, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

B.KEMAL PASHA, J.

B.A.No.8434 and 8504 of 2014

Dated this the 15th day of January 2015

ORDER

Petitions under Section 438 Cr.P.C.

2. The petitioner in B.A. No.8504 of 2014 is the first accused and the petitioners in B.A.No.8434 of 2014 are accused Nos.2 to 9 in Crime No.873/2014 of Perunad Police Station, Pathanamthitta district registered for the offences punishable under Sections 143, 147, 148, 324 and 326 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners and the other accused is that on 11.11.2014 at 7 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like iron rod and sticks, committed rioting and attacked the de-facto complainant and others, who were conducting a procession. It is alleged that the de-facto complainant was severely attacked and he

was beaten up with iron rod and sticks, thereby causing a grievous hurt by way of fracture of the bone of his right wrist. The other members of the procession were also beaten up.

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

5. The learned counsel for the petitioners has pointed out that a counter case has also been registered in the incident, as Crime No.874 of 2014 of the same Police station for the offences punishable under Sections 143, 147, 148, 323, 324 and 308 read with Section 149 of the Indian Penal Code. The accused in that case were directed to surrender before the Investigating Officer and to co-operate with the investigation. The allegations against the petitioners herein are very grave and serious. Considering the seriousness of the allegations and the present stage of investigation, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioners. At the same, similar directions as passed by the learned Sessions Judge in Crime

No.874 of 2014 can be passed in this case also.

In the result, these bail applications are 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 concerned Judicial First Class Magistrate's Court, 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

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PA to Judge