

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

Bail Appl.No. 8552 of 2014

CRIME NO. 362/2014 OF ATHOLY POLICE STATION, KOZHIKODE
.....

PETITIONER(S)/ACCUSED NO.1 TO 3:

- 1. PRAJEESH K.M., AGED 27 YEARS,
S/O.SANKARAN, KALLARAMULLATHIL MEETHAL, KUNNATHARA P.O.,
KANNOOR DESOM, KOYILANDY.**
- 2. SREEJITH, AGED 27 YEARS,
S/O.THEYON, UTHIRUMMAL, KUNNATHARA P.O.,
KANNOOR, KOYILANDY.**
- 3. ATHUL PRAKASH, AGED 18 YEARS,
S/O.PRAKASAN, MATATHIL MEETHAL, KUNNATHARA P.O.,
KANNOOR, KOYILANDY.**

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY 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
06-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

B.A. No.8552 of 2014

Dated this the 6th day of January, 2015

O R D E R

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Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.362/2014 of Atholi Police Station, registered for the offences punishable under Sections 447, 323, 324, 294(b), 506(1) and 354 IPC read with Section 34 of IPC. Presently, Sec.325 IPC has also been incorporated and investigation is in progress.

3. The allegation against the petitioners is that, on 27.10.2014 at about 11 p.m., they trespassed into the courtyard of the house of the defacto complainant woman and attacked the husband of the defacto complainant, after abusing him. He was beaten with wooden stick and he was severely slapped and stamped thereby he sustained fracture of the middle toe of his left leg. When the defacto complainant intervened for his rescue, she was also terribly beaten

and slapped and her modesty was outraged.

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. Investigation is not completed. The allegation against the petitioners are very grave and serious. This is not a fit case wherein anticipatory bail can be granted to the petitioners.

6. The learned counsel for the petitioners seeks for an opportunity 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 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

//true copy//

P.S. To Judge

St/-