

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Bail Appl..No. 8561 of 2014

CRIME NO. 1552/2014 OF POONTHURA POLICE STATION , TRIVANDRUM

PETITIONER(S)/1ST ACCUSED :

**ABHIJITH, AGED 24 YEARS,
S/O.JAYACHANDRAN, RESIDING AT T.C-79/1523, JAYA BHAVAN,
KARIKKAKOM, KADAKOMPALLY, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.M.RAJENDRAN NAIR
SMT.M.SANTHY**

RESPONDENT(S)/RESPONDENT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

B.A.No.8561 of 2014

Dated this the 9th day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the first accused in Crime No.1552/2014 of Poonthura Police Station, Thiruvananthapuram District registered for the offences punishable under Sections 143, 147, 148, 452, 294(b), 323, 324, 506(ii), 354 and 363 of the Indian Penal Code.

3. The sister of the petitioner was married by the de-facto complainant, who belongs to another religion. They were living together as wife and husband at the house of the de-facto complainant, along with the de-facto complainant and his parents. On 1.11.2014 at 8.30 a.m., the petitioner along with other accused, formed themselves into an unlawful assembly armed with deadly

weapons, committed trespass into the house of the de-facto complainant and indiscriminately staged an attack on all the inmates of the house. They have outraged the modesty of the mother of the de-facto complainant and all of them were beaten up. The petitioner along with the other accused, have abducted the wife of the de-facto complainant forcibly from the house of the de-facto complainant.

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 allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner and the present stage of investigation, I am satisfied that this is not a fit case wherein anticipatory bail can be granted to the petitioner.

6. 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.

**B.KEMAL PASHA,
JUDGE**

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