

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. 8603 of 2014

CRIME NO. 1206/2014 OF PUDUNAGARAM POLICE STATION.
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PETITIONER(S)/ACCUSED 1 AND 2:

- 1. DEVADAS, AGED 31 YEARS,
S/O. KITTU, KOLLATHUKOLAMBU (H),
ADICHIRA, KARIPODE P.O., PALAKKAD.**
- 2. MURALI, AGED 40 YEARS,
S/O. KITTU, KOLLATHUKOLAMBU (H),
ADICHIRA, KARIPODE P.O., PALAKKAD.**

BY ADV. SRI.T.K.SANDEEP

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

**BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y
DEFACTO COMPLAINANT BY ADV. SRI.T.MADHU
SRI.P.R.SHIBU
SRI.C.M.JUNAIR**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B. KEMAL PASHA, J.

B.A.No.8603 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 1<sup>st</sup> and 2<sup>nd</sup> accused in Crime No.1206/2014 of Pudunagaram Police Station, Palakkad District, registered for the offences punishable under Sections 294(b), 323, 326, 341 and 506(ii) IPC read with Section 34 IPC.

3. The allegation against the petitioners is that on 10.11.2014 at about 8.30 p.m., while the de facto complainant boy, aged 21 years, was returning to his house by a motor bike, the 1<sup>st</sup> petitioner obstructed the motor bike and stopped him. He was wrongfully restrained and he was terribly beaten with a wooden stick on his face, thereby he sustained a fracture on his teeth. He was dragged down. The 2<sup>nd</sup> petitioner also slapped and stamped him.

4. Heard the learned counsel for the petitioners, learned counsel for the de facto complainant and the learned Public Prosecutor.

5. The contents of the CD prima facie reveal the complicity of the petitioners. The wound certificate has been

produced. The wound certificate shows that the de facto complainant has sustained corresponding injuries based on the allegations. The allegations against the petitioners are very grave and serious. The investigation of the case is not over. Considering all the above, I am of the view that this is not a fit case, wherein the discretionary relief of anticipatory bail can be granted to the petitioners.

6. 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 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**

ps/6/1/2015