

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. 8651 of 2014

CRIME NO. 2873/2014 OF MUVATTUPUZHA POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED:

**MAHESH, AGED 35 YEARS,
S/O.MOHANAN, PADINJAREVIRIPPIL HOUSE
THEKKAN MARADI KARA, MARADI VILLAGE, MUVATTUPUZHA.**

**BY ADVS.SRI.GEO PAUL
SRI.SANU MATHEW
SRI.RADHIKA RAJASEKHARAN P.
SRI.C.R.PRAMOD
SRI.S.ASHOK KUMAR.
SRI.LENIN P. SUKUMARAN
SRI.JERRY VARGHESE**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
KOCHI-682031, THROUGH SUB INSPECTOR OF POLICE
MUVATTUPUZHA POLICE STATION, ERNAKULAM DISTRICT
PIN-686661.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

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

PJ

B.KEMAL PASHA, J.

B.A. No.8651 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. Petitioner is the accused in Crime No.2873/2014 of Muvattupuzha Police Station, registered for the offences punishable under Sections 341, 323, 354 and 294(b) of IPC.

3. The allegation against the petitioner is that, on 12.11.2014 at 9.30 p.m., the defacto complainant woman and her son and relative were travelling by car bearing Registration No.KL-51/7842. The petitioner was driving car bearing registration No.KL-07 AK/1053 and he wanted to overtake the other car. As it took time to give side, he forcefully overtook the car in a rash and negligent manner and obstructed the car by using his car. Thereafter, he got down and forcefully removed the key of the car being driven by the son of the defacto complainant and abused all the persons in

the car. He beat the son of the defacto complainant and also slapped and beat the defacto complainant thereby outraging her modesty.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. The contents of the CD, prima facie, reveal the complicity of the petitioner. The said acts committed by the petitioner on the road during night at 9.30 p.m. cannot be justified.

5. Considering the seriousness of the allegations against the petitioner, this is not a fit case wherein anticipatory bail can be granted.

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.

Sd/-

B.KEMAL PASHA,
JUDGE

//true copy//

P.S. To Judge

St/-

