

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

Bail Appl.No. 8653 of 2014

CRIME NO. 678/2014 OF RAMAMANGALM POLICE STATION

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PETITIONER(S)/ACCUSED NO.8:

**JISMON, AGED 21,
S/O.JOSE, MULLAPILLIL HOUSE, MEMMURY VILLAGE,
PUTHENCROUZ, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.S.VIDYASAGAR
SRI.K.K.CHANDRADAS**

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
05-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A. No. 8653 of 2014

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Dated this the 5th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 8th accused in Crime No.678 of 2014 of the Ramamangalam Police Station, registered for the offences punishable under Sections 143, 147, 148, 120B, 294(b), 307, 323, 324, 326, 447 and 506(ii) read with Section 149 of the Indian Penal Code and Section 2(1)(c) of the Arms Act.

3. It is alleged that A1 had demanded an amount of Rs.30,00,000/- from the employer of the defacto complainant, who is conducting a quarry in the Government property adjacent to the property of A1. As he is not ready and willing to part with the amount, A1 and A2 allegedly arranged A3 to A8 for settling scores with the defacto complainant and his employer. It is alleged that on 17.08.2014 at 2.15 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and reached the quarry by tipper lorry

bearing registration No.KL-17-G-6836 belongs to A1, with deadly weapons. It is alleged that they attacked the defacto complainant, abused him and A1 inflicted a cut with a sword stick on his head. It is also alleged that A2 beat him and A3 beat him with an iron pipe, thereby causing fracture of the bone of his right shoulder. When one Reji intervened for the rescue of the defacto complainant, he was also cut with a sword. It is alleged that A3 and A4 beat the defacto complainant and others with iron pipes, and A5 to A8 beat the defacto complainant and others with wooden reapers.

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

5. According to the learned counsel for the petitioner, it is a matter which ought to have been investigated by the Sub Inspector of Police and over-looking all the legal norms, the Circle Inspector has come into the picture and has started investigation in the matter. According to the learned Public Prosecutor, the petitioner is also one of the hired goondas

arranged by A1 and A2 for the purpose of settling scores with the defacto complainant and his employer. Whatever it is, serious allegations are there against the petitioner. The wound certificate of the defacto complainant, which finds a place among the records in the CD, clearly reveals that he has sustained very serious injuries all over his body. Over and above it, other persons have also sustained injuries. The investigation of this case is not over. Considering the seriousness of the allegations against the petitioner and the present stage of the investigation, I am of the view that he is not entitled to the discretionary relief of anticipatory bail. At the same time, no criminal antecedents have been reported against the petitioner. In such a context, he can be given an opportunity 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 court below, 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**

DSV/5/2/15

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P.A. To Judge