

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

Bail Appl..No. 8686 of 2014 ()

CRIME NO. 1423/2014 OF PAYYANNUR POLICE STATION, KANNUR DISTRICT

PETITIONER/ACCUSED :

**ABID M.P.,
S/O.ABDUL RAHIMAN, AGED 26 YEARS, HOUSE NO.207
MULLAKETIL PUTHIYAPURAYIL, P.O.ITTIKOL, RAMANTHALI
KANNUR DT.**

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

RESPONDENTS/COMPLAINANT & STATE :

**1. THE STATION HOUSE OFFICER
PAYYANNUR POLICE STATION, KANNUR - 670 307.**

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

R1 & R2 BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

B.A.No.8686 OF 2014

Dated this the 5th day of January, 2015

O R D E R

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 1<sup>st</sup> accused in Crime No.1423/2014 of Payyannur Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 427 and 354(B) IPC read with Section 149 IPC.

3. The allegation against the petitioner and the other accused is that on 6.11.2014 at about 6.40 p.m., they found themselves into an unlawful assembly and they wrongfully restrained the de facto complainant woman, and her husband on their way back from a temple. It is alleged that the petitioner caught hold of the hand of the de facto complainant, and when her husband intervened for her rescue, they attacked the husband of the de facto complainant and hit on his forehead and head with a stone thereby causing injuries. It is also alleged that the petitioner tore away the maxi worn by the de facto complainant thereby outraging her modesty.

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

5. The contents of the CD prima facie reveal the complicity of the petitioner. The allegations against the petitioner are very grave and serious. The investigation of the case is not over. It seems that the husband of the de facto complainant had sustained three injuries and the de facto complainant sustained a contusion. This is not a fit case, wherein the discretionary relief of anticipatory bail can be granted to the petitioner.

6. 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 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.**

Ps/5/1/15

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PA to Judge