

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Bail Appl..No. 8871 of 2014 ()

**CRIME NO. 951/2014 OF THRIKKUNNAPPUZHA POLICE STATION,
ALAPPUZHA DISTRICT**

PETITIONERS/ACCUSED NOS. 2 AND 4:

- 1. SAJIN, S/O. MURALIDHARAN, AGED 22 YEARS,
THAIVEPPIL VEEDU, PALLANAMURI,
THRIKKUNNAPUZHA VILLAGE, ALAPPUZHA DISTRICT.**
- 2. SARATH, S/O. OMANAKUTTAN, AGED 23 YEARS,
THAIVEPPIL VEEDU, PALLANAMURI,
THRIKKUNNAPUZHA VILLAGE, ALAPPUZHA DISTRICT.**

BY ADV. SRI.B.RENJITHKUMAR

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY STATION HOUSE OFFICER,
THRIKKUNNAPUZHA POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-02-2015, ALONG WITH BA.NO. 303/2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

sts

B.KEMAL PASHA, J.

B.A.Nos.8871 of 2014 and 303 of 2015

Dated this the 25th day of February 2015

ORDER

Petitions filed under Section 438 Cr.P.C.

2. The petitioners in B.A. No.8871/2014 are accused Nos.2 and 4 and the petitioner in B.A. No.303/2015 is the first accused in Crime No.951/2014 of Thrikkunapuzha Police Station registered for the offences punishable under Sections 341, 323, 324, 506(ii) and 308 read with Section 34 of the I.P. C. and 20 and 27 of the Arms Act.

3. The allegation against the petitioners is that on 27.11.2014 at 11.30 a.m., the first accused wrongfully restrained the de-facto complainant while he was taking food from a tea shop and he was attacked with a free wheel of a bicycle, which is a

dangerous sharpened weapon, thereby causing a serious injury. A2 inflicted a cut aimed at the neck of the de-facto complainant with a sword, which was evaded by the de-facto complainant. A2 wielded off the sword and by brandishing the same, he prevented others from intervening to the rescue of the de-facto complainant. The other accused severely beat, stamped and fisted the de-facto complainant.

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

5. The learned Public Prosecutor has pointed out that A1 is involved in 5 other cases, including the offences punishable under section 307 of the I.P.C. Proceedings under Section 107 of Code of Criminal Procedure has been initiated against him. Likewise, the A2 is an accused in 3 cases including one under the NDPS Act and one under the Arms Act. A4 is involved in one criminal case, over and above the present case, for the offence under section 308

of the I.P.C. and under section 20 and 27 of Arms Act. It seems that the petitioners have serious criminal background. The allegations against the petitioner are very grave and serious. It seems that the de-facto complainant was attacked only because of the fact that he had questioned about the act of one of the friend of the petitioners in making sexual overtures towards the sister of the de-facto complainant. Considering the seriousness of the allegations against the petitioners and the present stage of investigation, I am of the view that they are not entitled to the discretionary relief of anticipatory bail.

6. The learned counsel for the petitioners seeks for an opportunity to the petitioners to surrender before the investigating officer and to co-operate with the investigation.

In the result, these bail applications are 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, effect recovery if any, 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**

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// True Copy //

P.A. To Judge