

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936**

**Bail Appl..No. 8918 of 2014 ()**

**CRIME NO. 1396/2014 OF MULAVUKAD POLICE STATION, ERNAKULAM**

**PETITIONER/1ST ACCUSED :**

**T. R. KOCHAKKAN, AGED 42 YEARS,  
S/O.RAMANKUTTY, THAIVALAPPIL HOUSE,  
P. O. MANALUR, THRISSUR**

**BY ADVS.SRI.PHILIP T.VARGHESE  
SRI.THOMAS T.VARGHESE  
SMT.ACHU SUBHA ABRAHAM  
SMT.K.R.MONISHA  
SRI.BOBY C. BABY  
SRI.ANOOP BHASKAR**

**RESPONDENTS :**

**STATE OF KERALA  
REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM, REPRESENTING THE SUB INSPECTOR OF POLICE,  
MULAVUKADU POLICE STATION, ERNAKULAM-683542**

**BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**bp**

**B. KEMAL PASHA, J.**

.....  
B.A. No.8918 of 2014  
.....

*Dated this the 15<sup>th</sup> day of January, 2015*

**ORDER**

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 1<sup>st</sup> accused in Crime No.1396/2014 of Mulavukad Police Station registered for the offences punishable under Sections 143, 147, 148, 323, 294 (b) and 308 IPC.

3. The allegation against the petitioner and other accused is that on 15.11.2014 at 9 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and attacked the *defacto complainant*. It is alleged that the petitioner repeatedly inflicted blows on the head of the *defacto complainant* with a jackey lever taken from the lorry being driven by the petitioner, thereby causing very serious injury to the *defacto complainant*.

4. Heard learned counsel for the petitioner and

learned Public Prosecutor.

5. The learned counsel for the petitioner has pointed out that the petitioner was terribly attacked with weapons for which Crime No.1392/2014 was registered for the offences under Sections 143, 147, 148, 324, 341, 427 and 294(b) read with Section 149 IPC. According to the petitioner, he sustained a head injury in the incident and his lorry was smashed and damaged. It seems that the *defacto complainant* in this particular case has sustained a serious injury. The investigation is not over. The weapon allegedly used by the petitioner has not been recovered. Considering the facts and circumstances of the case, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner. At the same time, considering the fact that the petitioner also sustained injury for which another case has been registered, I am of the view that, while dismissing this bail application, an opportunity can be granted to the petitioner to surrender before the

investigating officer and to co-operate with the investigation and to effect recovery of the weapon,if any.

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)**

aks/15/01

*// True Copy //*

*PA to Judge*