

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.8980 of 2014

CRIME NO.1626/2014 OF PUTHOOR POLICE STATION,KOLLAM

PETITIONERS/ACCUSED 1 TO 3:

1. **PRADEEP KUMAR.B,AGED 44 YEARS,
S/O.BHASKARAN PILLAI,MULAVANA PUTHEN VEEDU,
MAVADY P.O,POOVATTOOR WEST,KOLLAM DISTRICT.**
2. **VAISHNAV,AGED 25 YEARS,S/O.RAJENDRAN UNNITHAN,
MULAVANA PUTHEN VEEDU,MAVADY P.O,
POOVATTOOR WEST,KOLLAM DISTRICT.**
3. **VAISAKHAN,AGED 27 YEARS,S/O.RAJENDRAN UNNITHAN,
MUKALUVILA VEEDU,THEVALAPPURAM P.O,
KULAKKADA,KOLLAM DISTRICT.**

**BY ADVS.SMT.SONIYA.M
SRI.BONY PHILIP**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

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

pk

B. KEMAL PASHA, J.

B.A.No. 8980 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. Petitioners are the accused Nos. 1 to 3 in Crime No.1626/2014 of Puthoor Police Station, Kollam, registered for the offences punishable under Sections 452, 324 and 308 IPC read with 34 IPC.

3. The allegation against the petitioners is that on 9.12.2014 at about 7.15 a.m., they, armed with deadly weapons like handle of spade and wooden stick trespassed into the house of the de facto complainant while he was sleeping. It is alleged that he was indiscriminately attacked with the weapons and he was severely beaten, which has resulted in serious injuries.

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

5. According to the learned counsel for the petitioners, this is a case of false implication and the incident had occurred

in the property and not inside the house. At the same time, the contents of the CD prima facie reveal the complicity of the petitioners. The copy of the wound certificate produced by the learned Public Prosecutor shows serious injuries on the face and other portions of the body of the de facto complainant. The case forwarded by the learned counsel for the petitioners is that the injuries had occurred on account of a fall, can only be taken with a pinch of salt. These injuries cannot occur on a single fall. Considering the seriousness of the allegations against the petitioners, I am of the view that this is not a fit case, wherein the discretionary relief of anticipatory bail can be granted to the petitioners.

6. In the result, this Bail Application is 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 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.**

ps/6/1/2015

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PA to Judge