

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

Bail Appl..No. 9026 of 2014 ()

CRIME NO. 2034/2014 OF PATHANAMTHITTA POLICE STATION, PATHANAMTITTA

PETITIONER/ACCUSED :

**RAHUL KRISHNAN, AGED 20 YEARS,
S/O.LATE RADHAKRISHNAPILLAI
MANNIL PADINJATTETHIL HOUSE,
THONNALLUR MURI, PANDALAM,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.SAKIR.K.H.

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE,
PATHANAMTHITTA POLICE STATION,
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 23-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B. KEMAL PASHA, J.

.....
B.A. No.9026 of 2014
.....

Dated this the 23rd day of January, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 3<sup>rd</sup> accused in Crime No.2034/2014 of Pathanamthitta Police Station registered for the offences punishable under Sections 143, 147, 148, 324 and 326 read with Section 149 IPC.

3. The allegation against the petitioner and other accused is that on 13.11.2014 at 11.30 p.m. they formed themselves into an unlawful assembly, armed with deadly weapons like iron rod and wooden stick, at the compound of the Government ITI at Chennierkkara and they attacked the *defacto complainant* and others. It seems that the *defacto complainant* was severely beaten up with wooden stick and iron rods, thereby he sustained very serious injuries. He has practically lost the sight of his right eye as

he suffered a serious injury to the right eye in the incident.

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

5. The allegations against the petitioner are very grave and serious. It is true that the other accused were arrested, detained and subsequently, enlarged on bail. That does not mean that the petitioner is entitled to the discretionary relief of anticipatory bail. Considering all the above, 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.

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/23/01

*// True Copy //*

*PA to Judge*