

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. 9136 of 2014 ()

CRIME NO. 2159/2014 OF OCHIRA POLICE STATION , KOLLAM DISTRICT

PETITIONER/ACCUSED NO.3:

**SUBHASH, AGED 22 YEARS,S/O SURESH,
THUNDIL VADKKATHIL, THEKKUKOCHU MURI,
KRISHNAPURAM VILLAGE.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENTS/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN:682 031.**
- 2. SUB INSPECTOR OF POLICE,
OCHIRA POLICE STATION, OCHIRA,
KOLLAM-691 009.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

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

sts

B. KEMAL PASHA, J.

B.A.No.9136 OF 2014

Dated this the 5th day of January, 2015

O R D E R

~~~~~

Petition under Section 438 Cr.P.C.

2. Petitioner is the 3<sup>rd</sup> accused in Crime No.2159/2014 of Ochira Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 294(b), 323, 324 and 326 IPC read with Section 149 IPC.

3. The allegation against the petitioner and the other accused is that on 6.12.2014 at about 10 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like punching block and iron rods. It is alleged that the 1<sup>st</sup> accused hit the de facto complainant with a punching block and A2 and A3 beat on his face with iron rods. It is alleged that the other accused beat, fisted and stamped the de facto complainant. In the attack, the de facto complainant sustained serious injuries including the fracture of his first upper incisor tooth and various other injuries on his face.

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 de facto complainant has sustained very serious injuries. The investigation of the case is not over. Considering the facts and circumstances of the case and the present stage of the investigation, I am of the view that 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

//True copy//

PA to Judge