

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. 9137 of 2014 ()

CRIME NO. 1258/2014 OF THENMALA POLICE STATION , KOLLAM DISTRICT

PETITIONER/ACCUSED NO.6:

**SATHEESH.G @ SATHEESH KUMAR,
S/O.GOPI, KARAYALARTHOTTAM, ARYANKAVU,
ARYANKAVU VILLAGE, PATHANAPURAM TALUK,
KOLLAM DISTRICT.**

BY ADV. DR.PAULY MATHEW MURICKEN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING THE SUB INSPECTOR OF POLICE,
THENMALA POLICE STATION, KOLLAM DISTRICT. PIN-682 031**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

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

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B.KEMAL PASHA, J.

.....
B.A. No.9137 of 2014
.....

Dated this the 6th day of January, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the sixth accused in Crime No.1258/2014 of the Thenmala Police Station, Kollam registered for the offences punishable under Sections 143, 147, 148, 452, 323, 341, 324, 294B, 354, 427 and 308 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 31.10.2014 at 10 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and attacked one Danimon George who came to 'Baiju Vilasm Hotel' at Aryankavu for taking food. They attacked the owner of the hotel, named Muraleedharan Pillai and also his wife Leelamony. Severe attacks were staged

against them. After trespassing into the hotel, they smashed and destroyed the dining tables and utensils in the hotel thereby causing a wrongful loss of ₹25,000/- to the shop owner. They have allegedly outraged the modesty of the said Leelamony.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioners. This is an application seeking anticipatory bail. The fact that some of the other accused were arrested, detained and subsequently enlarged on bail does not entitle the petitioner to the discretionary relief of anticipatory bail, in a case like this. The allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner and the present stage of investigation, I do not think that he is entitled to the discretionary relief of anticipatory bail.

6. The learned counsel for the petitioner seeks for

an opportunity 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

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[True copy]

P.S. to Judge