

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

Bail Appl..No. 9141 of 2014 ()

**CRIME NO. 1516/2014 OF NEYYATTINKARA POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONER/ACCUSED :

**RAKESH KUMAR V., AGED 24 YEARS,
S/O.VENUGOPALAN, KALLUVILA PUTHEN VEEDU, CHEMPANKULAM,
KUDANGAVILA.P.O., ATHIYANNOOR, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENTS/STATE :

- 1. STATE OF KERALA
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, 682031
(CRIME NO.1516/2014 OF NEYYATTINKARA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT).**
- 2. STATION HOUSE OFFICER,
NEYYATTINKARA POLICE STATION,
THIRUVANANTHAPURAM (
CRIME NO.1516/2014 OF NEYYATTINKARA POLICE STATION
THIRUVANANTHAPURAM DISTRICT), 695011.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B. KEMAL PASHA, J.

.....
B.A. No.9141 of 2014
.....

Dated this the 28th day of January, 2015

ORDER

~~~~~

Petition under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.1516/2014 of Neyyattinkara Police Station registered for the offences punishable under Sections 341, 294(b), 324 and 308 read with Section 34 IPC.

3. It is alleged that on 06.09.2014 at 10 a.m., the petitioner along with the 1<sup>st</sup> accused uttered abusive words against the *defacto complainant* by standing near his house. When the *defacto complainant* came out, he was severely beaten up by the 1<sup>st</sup> accused by using a wooden reaper on which nails were affixed, thereby causing serious injuries on his head and face. When the younger brother of the *defacto complainant* intervened, he was also beaten up. Thereafter, when the younger brother of the *defacto*

*complainant* took the *defacto complainant* to the hospital by his motor bike, A1 and A2 obstructed the motor bike and A2 severely attacked both the *defacto complainant* and his younger brother by beating them with a stick. They were pushed down from the motor bike and the motor bike was also damaged, thereby causing a wrongful loss of ₹5,000/- to the younger brother of the *defacto complainant*.

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

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. The investigation of this case is not over. This is a case wherein custodial interrogation of the petitioner is required for the continued investigation. 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 and to effect recovery of the weapon used.

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/28/01

*// True Copy //*

*PA to Judge*