

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Bail Appl..No. 1447 of 2015

CRIME NO. 1628/2014 OF PUTHOOR POLICE STATION, KOLLAM DISTRICT.
.....

PETITIONER/ACCUSED NO 2:

**R.KAVIRAJ,
S/O.RAMACHANDRAN PILLAI,
AGED 32 YEARS, LAKSHMI VILASAM,
PUTHAN VEEDU, POOVATHOOR WEST,
KULAKKADA VILLAGE.**

**BYSRI.GRASHIOUS KURIAKOSE (SENIOR ADVOCATE)
ADV. SRI.T.T.RAKESH**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
SUB INSPECTOR OF POLICE,
POTHOR POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B. KEMAL PASHA, J.

.....
B.A. No.1447 of 2015
.....

Dated this the 31st day of March, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.1628/2014 of Puthoor Police Station registered for the offences punishable under Sections 143, 147, 148, 452, 308 324, 427 and 294(b) with Section 149 IPC.

3. The allegation against the petitioner and other accused is that on 09.12.2014 at 7 p.m. they formed themselves into an unlawful assembly, armed with deadly weapons, and committed house trespass into the house of the de facto complainant. It is alleged that the petitioner beat the de facto complainant with a stick and thereafter, the 4th accused also beat the de facto complainant with a stick. The petitioner again beat the the de facto complainant and his wife with a stick and caused injuries to and also

damaged the utensils in the house, thereby causing a wrongful loss of ₹10,000/- to the de facto complainant.

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

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. The allegations against the petitioner are very grave and serious. Considering the facts and circumstances of the case, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner. At the same time, considering the fact that anticipatory bail has been granted to the other accused, I am of the view that an opportunity can be given 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/31/03

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PA to Judge