

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

FRIDAY, THE 29TH DAY OF JANUARY 2016/9TH MAGHA, 1937

Bail Appl..No. 8265 of 2015 ()

CRIME NO. 2332/2015 OF PUNALUR POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED:

1. **K. RADHAKRISHNAN, AGED 57 YEARS,
S/O.K.KRISHNA PILLAI, KOCHUVILA VEEDU, PUNALUR
KOLLAM DISTRICT.**
2. **RAHUL RADHAKRISHNAN, AGED 21 YEARS
S/O.K.RADHAKRISHNAN, KOCHUVILA VEEDU, PUNALUR
KOLLAM DISTRICT.**
3. **K.RAJASEKHARAN, AGED 43 YEARS
S/O.KOCHUKRISHNA PILLAI, ROHINI MULAMTHADATHIL
THOLICODU, PUNALUR, KOLLAM DISTRICT.**
4. **J.DAVID, AGED 50 YEARS
S/O.JOSEPH, THALAKOTTU VEEDU, SASTHAMKONAM
PUNALUR, KOLLAM DISTRICT.**
5. **SONY, AGED 32 YEARS
S/O.RADHAKRISHNAN, REJITHA BHAVAN, BHARANIKAVU
PUNALUR, KOLLAM DISTRICT.**
6. **AGASI, AGED 21 YEARS,
S/O.GAGARINKUMAR, AGASI VILLA, THOLICODU
PUNALUR, KOLLAM DISTRICT.**

**BY ADVS.SRI.S.SREEKUMAR (SR.)
SRI.MANOJ RAMASWAMY**

RESPONDENT(S) :

1. **STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 31.**
2. **THE SUB INSPECTOR OF POLICE
PUNALUR POLICE STATION, KOLLAM DISTRICT -691 305.**

BY SMT.BINDU GOPINATH, PUBLIC PROSECUTOR

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
29-01-2016, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

AMV

K.P.JYOTHINDRANATH, J.

.....
B.A.No.8265 of 2015 ()
.....

Dated this the 29th day of January, 2016

ORDER

This is an application filed under Section 438 of the Code of Criminal Procedure.

2. When the application came up for hearing, the learned counsel for the petitioners submitted before me that, this is a case where the only non-bailable offence is under section 452 of the Indian Penal Code. All other offences are bailable.

3. The allegation against the petitioners is that, the petitioners trespassed into the house of the de facto complainant and assaulted with hand and kicked. It is the submission that now on an allegation that a minimal displaced fracture occurred on the nasal bone, offence under Section 325 of IPC is also incorporated. It is further submitted that there is no external injury and that itself is an indication that the said fracture can be caused by a fall. It is also submitted that the allegation

of a trespass into the house incorporated only to attract a non-bailable offence in the crime.

4.I have heard the learned Public Prosecutor. The learned public prosecutor submitted before me that the de facto complainant is a cancer patient. It is the submission that due to political animosity, the petitioners herein trespassed into the house and assaulted the de facto complainant and he was admitted in the hospital and the crime was registered. The learned public prosecutor made available the case diary.

5.After perusal of the case diary and further considering the totality of the case, including the fact that incident occurred inside the house, I feel that this is not a fit case where anticipatory bail can be granted. But at the very same time, if so advised, the petitioners can very well surrender before the police within ten days of this order. On such surrender, the petitioners shall be interrogated and thereafter if necessary the

investigating officer is at liberty to arrest the petitioners and thereafter petitioners shall be produced before the concerned Magistrate. If bail application is moved by giving advance notice to the prosecutor regarding the intention to surrender, the said bail application shall be considered expeditiously by the court below.

This bail application is dismissed accordingly.

Sd/-
K.P.JYOTHINDRANATH
JUDGE

AMV/29/01/2016

/TRUE COPY/

P.A.TO JUDGE