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**Rajesh Vs. State of Kerala**

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**SooperKanoon Citation** : sooperkanoon.com/1094428

**Court** : Kerala

**Decided On :** Oct-07-2013

**Judge** : Honourable Mr.Justice P.Bhavadasan

**Appellant** : Rajesh

**Respondent** : State of Kerala

**Judgement** :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN MONDAY,THE7H DAY OF OCTOBER201315TH ASWINA, 1935 Bail Appl..No. 6553 of 2013 (A) ---------- [CRIME NO. 1661/2013 OF ADOOR POLICE STATION , PATHANAMTHITTA DISTRICT] ..... PETITIONERS/ACCUSED NOS.1 TO4 ---------- 1. RAJESH, AGED19YEARS, RAJEEV BHAVAN, PARAKKOOTTAM PERINGANADU, ADOOR.

2. SUMESH, AGED25YEARS, POONTHOTTATHILMELATHIL PARAKKOTTAM PERINGANADU, ADOOR.

3. SIBY,AGED26YEARS, CHARUVILAKIZHKKATHIL, PAZHAKULAM PERINGANADU, ADOOR.

4. MOHANAN, AGED60YEARS, RAJEEV BHAVAN, PARAKKOOTTAM PERINGANADU, ADOOR. BY ADVS. SRI.K.SHAJ, SRI. SAJJU.S.

RESPONDENT/COMPLAINANT: ---------- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. SUB INSPECTOR OF POLICE, ADOOR POLICE STATION, ADOOR - 689 641, PATHANAMTHITTA DISTRICT. BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0710-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Prv. P.BHAVADASAN, J.

- - - - - - - - - - - - - - - - - - - - - - - - B.A. No. 6553 of 2013 - - - - - - - - - - - - - - - - - - - - - - - - - Dated this the 07th day of October, 2013

ORDER

Petitioners are accused Nos. 1 to 4 in Crime No. 1661 of 2013 of Adoor Police Station who are alleged to have committed the offences punishable under Sections 143, 147, 148, 323, 324, 354, 427 and 452 read with Section 149 of the Indian Penal Code.

2. The allegation against the petitioners is that on 15.09.2013 at about 10.00 p.m., they, in furtherance of their common intention, forced themselves into the house of the defacto complainant and attacked him. When the wife and the mother of the defacto complainant came to the rescue of the defacto complainant, they too were attacked.

3. Petitioners would say that they are innocent and have been falsely implicated. According to them, they were invited for a mediation talk. They seek pre-arrest bail. B.A. No.6553/2013 -2- 4. The learned Public Prosecutor opposed the petition and pointed out that the claim put forward by the petitioners cannot be accepted and that the investigation is at an infant stage.

5. After having heard the learned counsel for the petitioners and the learned Public Prosecutor and having perused the records, the claim of the petitioners that they are innocent cannot be countenanced. As per the allegations, they trespassed into the house of the defacto complainant armed with weapons. Whatever that be, a

deeper probe into the veracity of the allegations is not warranted at this point of time.

6. Suffice to say that considering the nature of allegations against the petitioners, the manner in which the offence was committed, the injuries caused to the victim and also the fact that the investigation is at an infant stage preclude this Court from exercising its extraordinary jurisdiction in favour of the petitioners. B.A. No.6553/2013 -3- The petition is accordingly dismissed. However, if so advised, petitioners may surrender before the Investigating Officer on or before 11.10.2013, who after interrogation, shall produce them before the JFCM Court concerned. If the petitioners move an application for bail before the said court, the learned Magistrate shall consider and pass appropriate orders thereon in accordance with law, preferably on the date of surrender itself. P.BHAVADASAN JUDGE ds

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