

Thomas.P.C. Vs. State of Kerala

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Court : Kerala

Decided On : Oct-30-2014

Judge : Honourable Mr. Justice B.Kemal Pasha

Appellant : Thomas.P.C.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE B.KEMAL PASHA THURSDAY, THE 30TH DAY OF OCTOBER 2014 8TH KARTHIKA, 1936 Bail Appl..No. 7611 of 2014 ()
----- CRIME NO. 402/2014 OF KAMBALAKKAD POLICE STATION , WAYANAD PETITIONERS/ACCUSED 1 & 2:
----- 1. THOMAS.P.C., AGED 46 YEARS S/O.CHACKO, PUTHUSSERY HOUSE KOTTATHARA POST AND VILLAGE, VYTHIRI TALUK WAYANAD DISTRICT.

2. BIJU THOMAS, AGED 39 YEARS S/O.THOMAS, PANNAKKAL HOUSE KOTTATHARA POST AND VILLAGE, VYTHIRI TALUK WAYANAD DISTRICT. BY ADV. SRI.THOMAS J.ANAKKALLUNKAL RESPONDENT/COMPLAINANT:
----- STATE OF KERALA, REPRESENTED BY THE STATION HOUSE OFFICER KAMBALAKKAD POLICE STATION WAYANAD DISTRICT THROUGH THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. R BY SR.PUBLIC PROSECUTOR, SHRI.C.RASHEED (FOR DGP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.10.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: B.KEMAL PASHA, J.

----- B.A.No.7611 of 2014 -----
--- Dated this the 30th day of October, 2014

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.402 of 2014 of the Kambalakkad Police Station, Wayanad District, registered for the offences punishable under Sections 341, 294(b), 323, 324, 326, 307 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that they came in a car with the preparation to commit the murder of the de-facto complainant on 30.9.2014 at 9 p.m. They obstructed the car of the de- facto complainant and abused the de-facto complainant in filthy language. It is alleged that the first petitioner slapped on the face of the de-facto complainant and thereafter, they dragged him out of the car. The first petitioner beat the de-facto complainant with a wooden stick and the second petitioner beat him with an iron rod on his head, leg, and shoulder etc., thereby causing very serious injuries, with a view to B.A.7611 of 2014 2 committing the murder of the de-facto complainant. According to the petitioners, they are apprehending arrest in connection with the said crime.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor and perused the C.D. The contents of the C.D., Prima facie reveal the complicity of the petitioners. The investigation has a long way to go. On going through the injuries sustained by the de-facto complainant noted in the wound certificate, it seems that he has sustained very serious injuries, including two fractures.

5. Over and above it, the learned Public Prosecutor has pointed out that the first petitioner is involved in Crime No.82/2014 of the Kambalakkad Police Station and the second petitioner is involved in Crime Nos.2/2003 and 213/2014 of the Kambalakkad Police Station. The investigation of these cases is not over.

Considering the seriousness of the allegations against the petitioners, the present stage of investigation and the criminal antecedents on the part of the B.A.7611 of 2014 3 petitioners, I am satisfied that this is not a fit case wherein anticipatory bail can be granted to the petitioners. The learned counsel for the petitioners seeks for an opportunity to the petitioners to surrender before the Investigating Officer. Even without any order, they can surrender before the Investigating Officer, and co-operate with the investigation. In the result, this Bail Application is dismissed. Sd/- (B.KEMAL PASHA, JUDGE) dl // True Copy // PA to Judge

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