

Rayees P vs State of Kerala

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Court : Kerala

Decided On : Mar-28-2025

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Bail Appl./3703/2025

Appellant : Rayees P

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
FRIDAY, THE 28TH DAY OF MARCH 2025 / 7TH CHAITHRA, 1947
BAIL APPL. NO. 3703 OF 2025 CRIME NO.115/2025 OF
KUNNAMANGALAM POLICE STATION, KOZHIKODE AGAINST THE
ORDER/JUDGMENT DATED 10.03.2025 IN CRMC NO.216 OF 2025
OF DISTRICT COURT & SESSIONS COURT,KOZHIKODE
PETITIONER(S)/ACCUSED 1 & 4: 1 RAYEES P AGED 20 YEARS S/O
ABDUL SAMEER PUTHALATH HOUSE, ADIVARAM P.O
PUTHUPPADI, THAMARASSERY KOZHIKODE, PIN - 686582 2
MUHAMMED RAMSHAD AGED 20 YEARS S/O MUHAMMED K
KODUKKILPOYIL ADIVARAM P.O PUTHUPPADI THAMARASSERY,

KOZHIKODE, PIN - 686582 BY ADV MILLU DANDAPANI
RESPONDENT(S)/STATE: 1 STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2
MUHAMMED MINHAJ S/O ASHARAF M.P, AGED 21 YEARS,
MUKKOTTAPURAYIL, CHATHANKAVU MINI, KUNNAMANGALAM,
KOZHIKODE (IS IMPEADED AS ADDL.2ND RESPONDENT AS PER
ORDER DATED 28.03.2025 IN CRL.M.A. NO.1/2025) BY ADV.
PRASUDHA.S SR PP - SRI.HRITHWIK C S THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 28.03.2025, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:
P.V.KUNHIKRISHNAN, J -----
----- Dated this the 28th day of March, 2025

ORDER

This Bail application is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita.

2. Petitioners are the accused in Crime No.115/2025 of

Kunnamangalam Police Station, Kozhikode. The above case is registered against the petitioners alleging offences punishable under Sections 126(2), 115(2) & 118(1) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 4 of the Kerala Prohibition of Ragging Act.

3. The prosecution case is that, on 7.02.2025 at 4 pm,

at the two-wheeler parking space of Kalanthodu MES College, following the dispute arise in connection with the conduct of Association Day of College, all the four accused assaulted the defacto complainant, a 2nd year degree student, with the hands and A1 caused grievous hurt to him by hitting on his face with an iron ring. It is alleged that the victim sustained a fracture on the left orbit.

Hence it is alleged that the accused committed the above said offences.

4. Heard the learned counsel appearing for the

petitioners, the learned counsel appearing for the defacto complainant and the learned Public Prosecutor. Learned Public Prosecutor seriously opposed the bail application.

5. After hearing both sides, I think this is not a fit case,

in which orders u/s.482 BNSS can be passed. At this stage the counsel for the petitioners submitted that the petitioners will surrender before the Investigating Officer. The counsel also submitted that there may be a direction to produce the petitioners after interrogation before the jurisdictional court and there may be a direction to the jurisdictional court to consider the bail application on the date of production of the petitioners. I think that prayer can be allowed.

6. Considering the submission of the counsel for the

petitioners, this bail application is disposed of with the following directions. 1) The petitioners will surrender before the Investigating Officer within two weeks from today.

2) If the petitioners surrender before the Investigating Officer as directed above, the Investigating Officer is free to interrogate the petitioners and shall produce the petitioners before the jurisdictional court on the date of surrender itself. 3) The petitioners are free to file a bail application before the jurisdictional court at the time of producing them before the jurisdictional court. If such a bail application is filed with advance copy to the prosecutor concerned, the jurisdictional court will consider that bail application in accordance with law and pass appropriate orders in it preferably on the date of filing of the same itself. 4) The Investigating Officer is free to file custody application, if necessary, at the time of producing the petitioners and if such an application is filed, the jurisdictional court is free to pass appropriate orders in it also.

Sd/- P.V.KUNHIKRISHNAN, JUDGE DM

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