

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936**

**Bail Appl..No. 492 of 2015**  
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**CRIME NO. 2178/2013 OF CHADAYAMANAGALAM POLICE STATION,  
KOLLAM DISTRICT**  
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**PETITIONER(S)/ACCUSED NO.1:**  
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**SHARAFATH M., AGED 33 YEARS,  
S/O.MUHAMMED MALLAM, PAZHAVILA HOUSE, VALIYAVAZHI,  
KAITHODE P.O., NILAMEL, KOLLAM DISTRICT.**

**BY ADVS.SRI.SALIM V.S.  
SRI. SHANAVAS  
SRI.H.NUJUMUDEEN  
SRI.P.V.JEEVESH**

**RESPONDENT(S)/COMPLAINANT :**  
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**STATE OF KERALA,  
REPRESENTED BY SUB INSPECTOR OF POLICE,  
CHADAYAMANGALAM POLICE STATION, KOLLAM DISTRICT,  
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM, PIN-682 031.**

**BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 30-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

**B.KEMAL PASHA, J.**

.....  
B.A. No. 492 OF 2015  
.....

Dated this the 30<sup>th</sup> day of January, 2015

**ORDER**

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.2178/2013 of Chadayamangalm Police Station, Kollam registered for the offences punishable under Sections 143, 147, 148, 324 and 307 read with Section 149 of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioner and the other accused is that on 04.12.2013 they formed themselves into an unlawful assembly, armed with deadly weapons like sword, iron rod, stick etc. and committed rioting and rioting armed with deadly weapons, and attempted to commit murder of seven other persons of the rival political group.

The petitioner has been in custody for the period from 04.12.2014 onwards.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. Perused the C.D.

5. The learned Public Prosecutor has produced the report of the investigating officer which shows that the petitioner is a habitual offender and he is involved in five other criminal cases of serious nature. Considering the seriousness of the allegations against the petitioner and the fact that he is a hardened criminal involved in a series of serious criminal cases, I am of the view that the petitioner is not entitled to be enlarged on bail.

In the result, this Bail Application is dismissed.

**Sd/- B.KEMAL PASHA, JUDGE**

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[True copy]

P.S. to Judge