

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

Bail Appl..No. 624 of 2015 ()

CRIME NO. 1/2015 OF ARUVIKKARA POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/1ST ACCUSED :

**RAJESH, AGED 36 YEARS
S/O.DIVAKARAN NAIR, REKHA MANDIRAM, KURUNGODE
IRUMBA MURI, ARUVIKKARA VILLAGE, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

.....
B.A. No.624 of 2015
.....

Dated this the 6th day of February, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1/2015 of Aruvikkara Police Station registered for the offences punishable under Sections 143, 147, 148, 323, 324, 308 and 427 read with Section 149 IPC and Section 27 of the Arms Act.

3. The allegation against the petitioner and the other accused is that on 01.01.2015 at 2.30 p.m., they formed themselves into an unlawful assembly, armed with deadly weapons like sword, iron rod, wooden rafter, etc., and attacked the *defacto complainant*. It is alleged that the

petitioner inflicted cuts on the *defacto complainant* with a sword and the 2nd accused beat him with iron rod. The other accused also beat and fisted the *defacto complainant*. They smashed and damaged the car of the *defacto complainant*, thereby causing a wrongful loss of ₹1 lakh to the *defacto complainant*. The petitioner has been in custody for the period from 05.01.2015 onwards.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned Public Prosecutor has pointed out that the petitioner is involved in Crime No.2/2015, Crime No.4/2015, Crime No.5/2015 and Crime 6/2015 of the very same police station. It seems that in all these cases, swords were made use of by the petitioner. The allegations are very grave and serious. The petitioner is a hardened criminal involved in a series of serious criminal cases. Considering the series of criminal antecedents of similar nature on the part of the petitioner, and the seriousness of the allegations

BA.624/2015

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in the present case, 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)

aks/06/02

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PA to Judge