

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

Bail Appl..No. 898 of 2015 ()

CRIME NO. 1551/2014 OF EAST KALLADA POLICE STATION, KOLLAM DISTRICT

PETITIONERS/ACCUSED NO.1 TO 3:-

1. SAIJU, AGED 28 YEARS,
S/O.JACOB KOSHY, SAIJU BHAVANAM, VILLIMANGALAM,
MUNDROTHURUTH VILLAGE, KOLLAM DISTRICT.
2. WILSON, AGED 24 YEARS,
S/O.CLEATUS, NIRAPATHU VEEDU, KODUVILA,
EAST KALLADA VILLAGE, KOLLAM DISTRICT.
3. GOKUL, AGED 24 YEARS,
S/O.GOPI, GOKUL BHAVAN, VILLIMANGALAM,
MUNDROTHURUTHU VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS/COMPLAINANTS/STATE:-

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. THE SUB INSPECTOR OF POLICE,
EAST KALLADA POLICE STATION,
KOLLAM DISTRICT - 691 001.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K. ABRAHAM MATHEW, J.

B.A. No.898 of 2015

Dated this the 27th day of February, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

The petitioners are accused Nos.1 to 3 in crime No.1551/2014 of East Kallada Police Station registered for the offences under Sections 143, 147, 148, 341, 323, 324, 308 r/w. 149 IPC.

2. It is alleged that they along with the fourth accused and some unidentified persons assaulted the victim with iron rod, knife and sword causing him serious injuries on different parts of his body.

3. The learned counsel for the petitioners submits that the fourth accused has already been granted bail.

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

5. The fourth accused has already been granted bail. But that was under Section 439 Cr.P.C. The specific allegation is that the first accused attacked the victim with

a sword; the second accused with a knife and the third accused with a rod. The victim sustained at least seven lacerated injuries on different parts of his body, which prima facie justify the submission of the learned Public Prosecutor. The weapons have so far not been recovered. So this is not a fit case to invoke the jurisdiction of this Court under Section 438 Cr.P.C.

In the result, this application is dismissed.

The submission of the learned counsel for the petitioners that the petitioners will surrender before the Investigating Officer is recorded.

SD/-
K. ABRAHAM MATHEW
JUDGE

shg/