

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

Bail Appl..No.935 of 2015

(CRIME NO.55/2015 OF PEROORKADA POLICE STATION,THIRUVANANDAPURAM).

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PETITIONER/1ST ACCUSED:

**JAYAKUMAR,AGED 45 YEARS,S/O.KRISHNAN NAIR,
GANGA BHAVAN,HOUSE NO.137,AKG NAGAR,
KUDAPPANAKUNNU VILLAGE,THIRUVANANTHAPURAM.**

BY ADV. SRI.MOHAN KUMAR KIRAN

RESPONDENT/STATE:

**STATE OF KERALA,
THROUGH THE SUB INSPECTOR,
PEROORKADA POLICE STATION,
THIRUVANANTHAPURAM,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

B.A.No.935 of 2015 B

Dated this the 24th day of February 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.55/2015 of the Peroorkada Police Station, Thiruvananthapuram registered for the offences punishable under Sections 294(b), 323, 324, 341 and 308 read with Section 34 of the Indian Penal Code.

3. The defacto complainant was the 3rd prosecution witness in Sessions Case No.2057/2013 pending before the Principal Assistant Sessions Court, Thiruvananthapuram. As the defacto complainant had supported the prosecution in that case, he was threatened by the petitioner herein who is the 2nd accused in that Sessions Case. When the defacto complainant was threatened

and intimidated, he complained the matter before the police. A crime was registered by the Police as Crime No.48.2015 of the Peroorkada Police Station with regard to that. Parties were called and a compromise was entered at the Police Station and the defacto complainant agreed that he did not want to pursue the matter. The Police warned and cautioned the petitioner with dare consequences, in case of continued intimidation. It is alleged that on the very same evening after the said compromise, on 12.01.2015 at 6 p.m. the petitioner along with the other accused wrongfully restrained the defacto complainant. It is alleged that the petitioner was riding a motorbike rashly and he rushed towards the defacto complainant to knock him down. However, the defacto complainant avoided the attack by jumping away from the road. Then the petitioner along with the 2nd accused attacked the defacto complainant. He was brutally beaten up, kicked down and stamped. Further, the petitioner hit on his head with a granite

stone. Petitioner has been in custody for the period from 17.01.2015 onwards.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. The allegations against the petitioner are very grave and serious. In fact the allegations against the petitioner are against the administration of justice also. Considering the seriousness of the allegations against the petitioner, I am fully satisfied that the petitioner is not entitled to be enlarged on bail.

In the result, this Bail Application is dismissed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

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PA to Judge