

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Bail Appl..No. 1314 of 2015

CRIME NO. 75/2015 OF PULIKEEZHU POLICE STATION , PATHANAMTHITTA

PETITIONER(S)/ACCUSED NO.1 IN CRIME NO.75/2015 OF PULIKEEZHU POLICE STATION:

**SHIBU KUMAR @ SHIBU, AGED 39 YEARS,
S/O.PRABHAKARAN, PADARATHIL HOUSE, PADINJATTUM MURI,
NEDUMPRUM POST, NEDUMPRUM VILLAGE,
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.K.P.RAMACHANDRAN
SMT.S.ANJUSHA**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN- 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
B.A. No.1314 of 2015
.....

Dated this the 13th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.75/2015 of the Pulikeezhu Police Station, Pathanamthitta registered for the offences punishable under Sections 143, 147, 148, 452, 324 and 427 read with Section 149 of the Indian Penal Code.

3. It is alleged that the petitioner along with some others had committed the murder of the elder brother of the defacto complainant. It is alleged that again, on 03.02.2015 at mid-night, the petitioner along with the other accused formed themselves into an unlawful assembly armed with

deadly weapons like sword sticks, trespassed into the house of the defacto complainant and the petitioner and the 2nd accused inflicted cuts on the head of the defacto complainant with sword sticks and all the accused beat and fisted the defacto complainant. They have smashed and destroyed the doors of the house and furniture in it thereby causing a wrongful loss of Rs.20,000/-. Petitioner has been in custody for the period from 06.02.2015 onwards.

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

5. The main argument forwarded by the learned counsel for the petitioner is that the matter has been settled between the petitioner and the defacto complainant and therefore, the continued detention of the petitioner in custody is not required. This Court cannot entertain the so called compromise allegedly entered into between the parties. There is every reason to agree with the findings of the courts below that the so called compromise is also a

purchased one obtained at sword point. The petitioner is involved in an offence under Section 302 IPC also. The allegations against the petitioner and the other accused are very grave and serious. Considering the seriousness of the allegations against the petitioner, I am of the view that the petitioner is not entitled to be enlarged on bail in a case like this.

In the result, this Bail Application is dismissed.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge