

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

Bail Appl..No. 1401 of 2015

CRIME NO. 152/2015 OF KOTTARAKKARA POLICE STATION, KOLLAM
.....

PETITIONER(S)/1ST ACCUSED:

**CHANDRAN, AGED 46 YEARS,
S/O.MURALEEDHARAN PILLAI, KUZHIVILA VEEDU,
KOTTATHALA, KOLLAM.**

**BY ADVS.SRI.O.V.MANIPRASAD
SRI.JOSE ANTONY**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
(THE SUB INSPECTOR OF POLICE,
KOTTARAKKARA POLICE STATION,
CRIME NO.152/2015) REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
17-09-2015, ALONG WITH BA. 1446/2015, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A Nos.1401 & 1446 of 2015

Dated this the 17th day of September, 2015.

ORDER

Applications for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.152 of 2015 of Kottarakkara Police Station registered for offences punishable under Sections 143, 147, 148, 452, 294(b), 324 and 308 r/w Section 149 I.P.C and Section 27 of the Arms Act.

3. Prosecution case, in short, is that on 19-01-2015 at about 1 'O' Clock in the night, the petitioners in furtherance of their common object as members of an unlawful assembly, armed with deadly weapons like swords, iron rods, sticks etc. criminally trespassed into the residence of the defacto complainant, abused him and assaulted him causing serious injuries. They attempted to commit culpable homicide not amounting to murder.

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

5. Petitioners plead innocence. Learned Public Prosecutor opposed the bail application. She submitted a statement of facts by

the Investigating Officer showing that in the area the two groups in which the petitioners and the defacto complainant belonged, engaged in clashes and about 20 crimes have been registered. The petitioners are involved in five other crimes. Considering the nature of allegations and the possibility of breach of peace in the area, I am not inclined to grant pre-arrest bail to the petitioners.

Petitioners, if surrender in three days before the Investigating Officer, they shall be questioned and thereafter on the same day, they shall be produced before the learned Magistrate having jurisdiction. Petitioners are free to move for regular bail before the learned Magistrate. In that event, the learned Magistrate shall consider the application as expeditiously as possible on merits. If the petitioners fail to surrender as mentioned above, the investigating officer is free to arrest them as if no order has been passed in this case.

The application is disposed of.

Sd/-
A.HARIPRASAD,
JUDGE.