

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

Bail Appl..No. 1752 of 2015 ()

CRIME NO. 265/2015 OF ARANMULA POLICE STATION , PATHANAMTHITTA DISTRICT

PETITIONER/ACCUSED :

**AJITHKUMAR P.K @ AJITHKURUMTHAR, AGED 32 YEARS,
S/O.N.K.KUMARAN, ARUN NIVAS, KURUMTHAR,
KUZHIKKALA P.O, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.G.PRIYADARSAN THAMPI

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K. ABRAHAM MATHEW, J.

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B.A.No.1752 of 2015(D)

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Dated this the 28th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under sections 308, 427 and 447 of IPC. The allegation is that he along with the co-accused took a procession to the house of an M.L.A. and trespassed into his residential premises and pelted stones indiscriminately and thus committed the offences mentioned above. Learned counsel submits that section 308 IPC is not attracted and the petitioner may be granted anticipatory bail.

3. Heard.

4. Learned Public Prosecutor submits that the petitioner was identified as an assailant. The question what the intention of the offenders was is a matter to be decided at the trial. The evidence discloses trespass and pelting of stones. The owner of the house lost Rs. 15,000/-. The wife of the M.L.A. sustained injuries. Though in a democracy, everyone has a right to protest nobody has the right to resort to violence. Even an M.L.A. is not safe in

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his house. The petitioner is not entitled to get anticipatory bail.

In the result, this application is dismissed. Learned counsel for the petitioner submits that he will surrender before the Investigating Officer; he may do so if he is so advised.

Sd/-
K. ABRAHAM MATHEW
JUDGE

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P.A. To Judge