

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. 1788 of 2015 ()

CRIME NO. 128/2015 OF MANKADA POLICE STATION, MALAPPURAM DISTRICT

PETITIONER(S)/ACCUSED 2 & 3 :

- 1. JAMSHEER, AGED 26 YEARS,
S/O.AVARANKUTTY, ULLATTUPARA HOUSE, KOOTIL P.O.,
MANKADA, PERINTHALMANNA, MALAPPURAM.**
- 2. ASHIQ, AGED 22 YEARS,
S/O.ALAVI, MANDAYI HOUSE, KOLAPARAMBA P.O.,
PANDIKKAD, MALAPPURAM.**

BY ADV. SRI.SAJU.S.A

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-05-2015, ALONG WITH BA.NO.1964/2015 AND BA.NO.2932/2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sts

K. ABRAHAM MATHEW, J.

**B.A. Nos.1788 OF 2015, 1964 OF 2015
& 2932 OF 2015**

Dated this the 28th day of May, 2015

COMMON ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners except the second petitioner in Bail Application No.1788 of 2015 are accused in Crime No.128 of 2015 of Mankada Police Station registered for the offences under Sections 308, 324 and 326 of Indian Penal Code.

3. The allegation is that at 10.00 in the night on 22.02.2015 they assaulted the victim with iron rods causing him serious injuries including fracture of bone.

4. Heard.

5. It is submitted that the second petitioner in Bail Application No.1788 of 2015 is not arrayed as an accused.

6. The learned counsel submits that it was a group clash and the police have registered a case against the first informant in this case as Crime No.129 of 2015. The wound certificate of the victim in this case shows that he

sustained fracture on the right frontal bone and the right orbit apart from other injuries. It is evident that he was attacked on the head with heavy weapons like iron rods. Prima facie, the petitioners except the second petitioner, in Bail application No.1788 of 2015 have committed the offences alleged against them. The petitioner in Bail Application No.2932 of 2015 is involved in another criminal case.

7. In the counter case the victim sustained only two lacerated wounds on the fore head and the right orbit. There was no fracture.

8. So, the facts indicate that the petitioners, except the one mentioned above, assaulted the victim with heavy weapons on his head. The weapons have not been recovered. It is not at all proper to grant anticipatory bail to the petitioners except the second petitioner.

In the result, these applications are dismissed.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge

B.A. Nos.1788 OF 2015, 1964 OF 2015
& 2932 OF 2015

3