

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

Bail Appl..No. 1886 of 2015

CRIME NO. 201/2015 OF VADAKKANCHERY POLICE STATION , TRISSUR

PETITIONERS/ACCUSED NOS.1,2 AND 3:

1. SIBEESH K.S., AGED 23 YEARS,
S/O.SIVADASAN, KOLAMBRATH HOUSE, PUTHURUTHY.P.O
PUTHURUTHY DESOM, THALAPPILLY TALUK, THRISSUR-680623.
2. RAGHU.P.S, AGED 24 YEARS,
S/O.SASI, PONNARASSERY HOUSE, PUTHURUTHY.P.O
PUTHURUTHY DESOM, THALAPPILLY TALUK, THRISSUR-680623.
3. VIJEESH.P.V, AGED 24 YEARS,
S/O.VENU, PATTUKULANGARA HOUSE, PUTHURUTHY.P.O
PUTHURUTHY DESOM, THALAPPILLY TALUK, THRISSUR-680623.

BY ADV. SRI.A.C.DEVY

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-05-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

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B.A.No. 1886 of 2015(A)

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Dated this the 29th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under sections 341, 324, 308 read with 34 IPC. The allegation is that in furtherance of the common intention to commit culpable homicide not amounting to murder of the victim, they attacked him with sword causing injuries on his head. Learned counsel submits that the allegations are false.

3. Heard .

4. The wound certificate shows that the victim sustained multiple lacerated wounds on the skull which *prima facie* indicate assault with a sword. It is true that the first petitioner alone is alleged to have used the sword. But, it cannot be ignored that all the petitioners went together to the place of occurrence in an autoriksha and the petitioners 2 and 3 were aware of the first petitioner having a sword with him. Moreover, it is stated that the second and third petitioners were armed with iron rods. That apart, the police registered Crime No. 1510/2014 against the second petitioner for allegedly attacking the victim in this case. In this circumstances, it is not at all proper for this Court to grant

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anticipatory bail to them.

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

DST

Sd/-
K. ABRAHAM MATHEW
JUDGE

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P.A. To Judge