

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

Bail Appl..No. 2082 of 2015 ()

**CRIME NO. 289/2015 OF KADAKKAVOOR POLICE STATION,
THIRUVANANDAPURAM**

PETITIONERS/A4 AND A5 :

- 1. SREEJITH, AGED 23 YEARS,
S/O.RAVEENDRAN, SREE RAGAM, VAKKAM P.O.,
THIRUVANANTHAPURAM.**
- 2. ANAS, AGED 21 YEARS,
S/O.MUHAMMED BASHEER, KOONANAVILA,
VAKKOM P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KADAKKAVOOR POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. RAJI JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No. 2082 of 2015

Dated this the 12th day of May, 2015

ORDER

Petitioners are accused 4 and 5 in Crime No. 289/2015 of Kadakkavoor Police Station registered for the offences under Sections 143, 147, 148, 323, 324 and 308 read with Section 149 of the Indian Penal Code. The allegation is that he along with the co-accused wrongfully restrained the victim and assaulted him with a chopper and iron rod. Learned counsel submits that the allegation against the petitioners is that they only showered blows on the victim.

2. Heard.

3. It is true that there is no specific allegation that the petitioners were armed with weapons. The prosecution case is that the first accused had a chopper with him and the second accused an iron rod and those accused attacked the victim with those weapons. It is difficult to believe that the

petitioners were not aware of the possession of those weapons by those accused. It is not at all proper to invoke the jurisdiction of this Court under Section 438 Cr.P.C.

In the result, this application is dismissed. The learned counsel submits that the petitioners will surrender before the investigating officer. They may do so, if they are so advised.

**K. ABRAHAM MATHEW
JUDGE**

DMR/-