

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE SUNIL THOMAS

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Bail Appl..No.2212 of 2015

CRIME NO.678/2015 OF KOTTIYAM POLICE STATION,KOLLAM.

..

PETITIONER/ACCUSED NO.1:

**R.SHAJI,AGED 44 YEARS,OLICARA VAYATIL,
PUTHENVEEDU,THATTAMALA P.O,KOLLAM.**

BY ADV.SRI.M.T.SURESHKUMAR

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.MADHUBEN.M

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

SUNIL THOMAS, J.

B.A. No. 2212 of 2015

Dated this the 14th day of July, 2015

ORDER

This application for Anticipatory Bail is filed by the 1st accused in Crime No. 678/2015 of Kottiyam Police Station for offences punishable under Sections 143, 147, 148, 341, 323, 324, 307 r/w 149 IPC.

2. The allegation of the prosecution is that, on 31.03.2015 at about 10 p.m., the accused numbering to about seven, armed with deadly weapons formed themselves into an unlawful assembly and attacked the defacto complainant. It is stated a sword was also used. The defacto complainant sustained serious injury and was taken to the hospital. FIR was lodged and the crime was registered. Apprehending arrest, the 1st accused has sought for pre-arrest bail.

3. Heard and examined the records.

4. The learned counsel for the petitioner vehemently contended that he is not involved in the crime, that he has been wrongly implicated and that even according to the prosecution, the role played by him is minor. It was further contended by the learned counsel that the dangerous weapon, namely the sword was used by the 2nd accused, even according to the prosecution.

5. The allegation of the prosecution is that the 1st accused was armed with an iron rod with which he hit on the leg of the defacto complainant. The wound certificate shows that the defacto complainant had sustained several injuries on the body including an insided wound 3x1cm on the right forehead bone deep. The medical records also indicate that, he had sustained a fracture of the 2nd and 3rd metacarpal and altogether ten injuries were there on the body of the defacto complainant. It appears that he had undergone a surgery.

6. Even though, the sword was allegedly used by

the 2nd accused, the guilt against the accused is sought to be established with the aid of Section 143 I.P.C. It is also pertinent to note that the incident happened at 10 p.m., and serious injuries are caused with deadly weapon.

Taking into consideration the totality of the circumstances, I feel that this is not a fit case in which pre-arrest bail can be granted. Hence, I am not inclined grant to bail to the petitioner.

Petition is accordingly dismissed.

Sd/-
SUNIL THOMAS
JUDGE