

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

Bail Appl..No. 2263 of 2015

CRIME NO. 787/2014 OF CHERPU POLICE STATION, TRISSUR DISTRICT.

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APPLICANT/ACCUSED NO.1:

**PRAJIL, AGED 37 YEARS,
S/O THILAKAN, MANGATHARA HOUSE,
KODANNUR.**

**BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADVS. SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN**

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.REMA.R

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No.2263 of 2015

Dated this the 21st day of May, 2015

O R D E R

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in S.C. No.594 of 2014 on the file of the 1st Additional Sessions Judge, Thrissur. The allegation is that he along with the co-accused committed murder of two persons and attempted to commit murder of another person.

3. Learned senior counsel submits that the petitioner has been in custody since 28.04.2014 and since the final report has been filed and the trial is about to take place, and co-accused have been granted bail, the petitioner may be granted bail.

4. Heard both sides.

5. Learned Additional Director General of Prosecution submits that the petitioner is involved in several other criminal cases and it is not safe to release him on bail at this stage.

6. A perusal of the order passed in the bail application filed by the co-accused shows that they did not assault the victims. The petitioner assaulted the victims with

hammer and sword. He has been involved in Crime Nos.246 of 1998, 257 of 1998, 101 of 2002 and 646 of 2008 of the Cherpu Police station. Learned Senior counsel submits that in all these cases the petitioner was acquitted. That is irrelevant for the purpose of consideration of bail application. The fact that he has been an accused in several cases, the first of which was in 1998, indicates that there is every likelihood of his repeating the offence.

7. As rightly pointed out by the learned Additional Director General of Prosecution, there is also a probability of his intimidating or influencing the witness. It appears that if he is let free, a fair trial may not be possible. So I am not inclined to allow this application.

In the result, this bail application is dismissed. The learned Sessions Judge is directed to dispose of the case without delay.

Sd/-

K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge