

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

Bail Appl..No. 2515 of 2015 ()

**CRIME NO. 502/2015 OF TALIPARAMBA POLICE STATION,
KANNUR DISTRICT**

PETITIONERS/ACCUSED 1 TO 4 :

- 1. NIHAD.K., AGED 24 YEARS,
S/O.ABDUL NASAR, KAYAKOOL HOUSE, MANNA,
TALIPARAMBA AMSOM, TALIPARAMBA TALUK, KANNUR DISTRICT.**
- 2. ABOOBACKER SIDDIQUE, AGED 22 YEARS,
S/O.UMMER, KUTTANTAKATH HOUSE, "RASIYAS"
PUSHPAGIRI, TALIPARAMBA AMSOM, TALIPARMBA TALUK,
KANNUR DISTRICT.**
- 3. IQBAL.M., AGED 22 YEARS,
S/O.MOIDEEN, MALIKKAN HOUSE, KARIMBAM,
TALIPARAMBA AMSOM, TALIPARAMBA TALUK, KANNUR DISTRICT.**
- 4. NIHAL K.P., AGED 20 YEARS,
S/O.MUHAMMED KUNHI, KAKOTAKATH PUTHIYA PURAYIL HOUSE,
RIYAM PALACE, TALIPARAMBA TALUK, KANNUR DISTRICT.**

**BY ADVS.SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI**

RESPONDENT/COMPLAINANT :

**STATE
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, THROUGH S.H.O.
TALIPARAMBA POLICE STATION, KANNUR DT.**

BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

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Dated this the 9th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners have allegedly committed the offences under sections 341, 323, 324 read with 34 IPC . The prosecution case is that armed with weapons like iron rod. They assaulted the victims two in number causing them serious injuries.

3. Heard.

4. There are two victims in the case. Both of them sustained serious injuries. One of them sustained fracture of the nasal bone and maxilla. The other sustained incised wound. So, it is clear that the victims were assaulted with weapons. Learned counsel submits that the petitioners are students and there is a counter case also. Students are not supposed to carry weapons. The very fact that the petitioners were armed with weapons like iron rod shows that they were not really students. Merely because the police have registered a counter case, petitioners cannot be granted bail especially in view of the fact that the injuries sustained by them appear to be minor in nature. The weapons

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have not been recovered. This is not a fit case to grant anticipatory bail.

In the result, this application is dismissed.

Sd/-

**K. ABRAHAM MATHEW,
JUDGE**

DST

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P.A. To Judge