

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

Bail Appl..No.2731 of 2015

CRIME NO.758/2015 OF WADAKKANCHERRY POLICE STATION,PALAKKAD.

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APPLICANT/ACCUSED NO.4:

**JAYAPALAN.R,AGED 29 YEARS,
S/O.LATE K.RAJAN,PULIKKODE VEEDU,
PUDUKKODE P.O.,ALATHUR,PALAKKAD.**

BY ADV.SRI.V.A.JOHNSON (VARIKKAPPALLIL)

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 27-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

K. ABRAHAM MATHEW, J.

B.A. No.2731 of 2015

Dated this the 27th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner along with the third accused is said to have committed the offence under Sections 143, 147, 148, 341, 323, 324 and 326 read with Section 149 of Indian Penal Code.

3. The prosecution case is that at 10.30 p.m in the night on 03.05.2015 they assaulted the victim with a piece of wood causing fracture of his skull and other injuries. The learned counsel submits that there is no allegation that the petitioner did any overt act.

4. Heard.

5. The prosecution case is that the offences were committed in prosecution of the common object of the unlawful assembly. The time of occurrence was 10.30 p.m in the night. The weapon used could not have been concealed by the assailant. So it is clear that the petitioner also was aware of the possession of the weapon

by the assailant. The common object is clear. The petitioner is not entitled to grant anticipatory bail.

In the result, this application is dismissed.

sd/-

K. ABRAHAM MATHEW
JUDGE

R.AV

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PA to Judge