

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

Bail Appl..No. 3261 of 2015 ()

CRIME NO. 1034/2015 OF CHAVARA POLICE STATION , KOLLAM DISTRICT

PETITIONER/2ND ACCUSED:

**SEBASTIAN JOSEPH, AGED 45 YEARS,
VAYALIL THOPPIL, NEENDAKARA MURI,
NEENDAKARA VILLAGE, KOLLAM DISTRICT.**

BY ADV. SRI.BIJU .C. ABRAHAM

RESPONDENT/STATE:

**STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
CHAVARA POLICE STATION,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K. ABRAHAM MATHEW, J.

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B.A.No. 3261 of 2015

Dated this the 12th day of June, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner along with the co-accused is alleged to have committed the offences under Sections 143, 147, 148, 324, 427, 451, 308 read with 149 IPC. The prosecution case is that at 8.30 in the night, on 04.05.2015, the petitioner and the co-accused armed with deadly weapons like swords and pipes, formed themselves into an unlawful assembly and assaulted the first informant and his mother with the weapon, causing them injuries on their heads.

3. Heard.

4. The incident happened at 8.30 in the night. Both victims sustained lacerated injuries on their head. The injuries of both victims were extensive in nature. This makes probable the prosecution version that they were assaulted with weapons like swords and iron pipes.

5. Learned counsel submits that Annexure - 1 will prove that the petitioner was under treatment for chicken-pox. This is a

certificate issued by a doctor to the effect that the petitioner was under his treatment for chicken-pox from 24.04.2015 to 07.05.2015. The date of occurrence is 04.05.2015. It was not impossible for him to take part in the incident. Having regard to the nature of the injuries and the weapons used, I think this is not a proper case to grant anticipatory bail.

In the result, this application is dismissed. Learned counsel submits that the petitioner will surrender before the Investigating Officer. He may do so, if he is so advised.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

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P.A. To Judge