

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Bail Appl..No. 3432 of 2015

**CRIME NO. 938/2014 OF PUTHENVELIKKARA POLICE STATION,
ERNAKULAM DISTRICT.**
.....

PETITIONER/6TH ACCUSED:

**MANIKANDAN, AGED 28 YEARS,
S/O. HARIHARAN, KAPPITHANPARAMBIL HOUSE,
KURUMBATHURUTH, GOTHURUTH, N.PARAVUR.**

BY ADV. SRI.ANVER BASHEER

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 31.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A.No.3432 of 2015

Dated this the 22th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Sections 143, 147, 148, 323, 324 307 read with Section 149 of Indian Penal Code

3. The prosecution case is that he along with the co-accused assaulted the victim with deadly weapon like iron rod at midnight on 21.12.2014.

4. Heard.

5. The learned counsel submits that there is no specific allegation against the petitioner and on the same ground the accused Nos.4, 9 and 10 were granted anticipatory bail by this Court. Those accused were granted bail on the ground that there was only general allegation against them. On the other hand, the involvement of the petitioner in the commission of the offences is evident from the statement given by one of the injured under Section 161 of Code of Criminal Procedure. It is true that the

injured who gave First Information Statement did not mention the petitioner's name. The probability is that he had no acquaintance with the petitioner. The other injured mentioned his name in the statement given under Section 161 of Code of criminal Procedure within two days. So, the petitioner's case stands on a different footing. He was aware that another co-accused had an iron pipe with him. The nature of the weapon is such that it cannot be said that the petitioner was not aware of the fact that the co-accused had a weapon with him. So, this is not a fit case to grant anticipatory bail.

In the result, this application is dismissed.

sd/-

K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge