

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

Bail Appl..No. 3720 of 2015 ()

CRIME NO. 270/2015 OF VELLARIKUNDU POLICE STATION, KASARAGOD DISTRICT

PETITIONERS/ACCUSED :

1. VIPIN DEV @ UNNI,
AGED 28 YEARS, S/O.BALAKRISHAN,
RESIDING AT PUTHIYAPURAYIL HOUSE
PULIYAMKULAM, BIRIKULAM P.O., PARAPPA VILLAGE
HOSDURG TALUK, KASARAGOD DISTRICT.
2. LIBEESH P.S.,
AGED 32 YEARS, S/O.SIVAN,
RESIDING AT PULIKATHADATHIL HOUSE
PULIYAMKULAM, BIRIKULAM P.O., PARAPPA VILLAGE
HOSDURG TALUK, KASARAGOD DISTRICT.
3. JIBIN K.,
AGED 25 YEARS, S/O.LALITHA,
RESIDING AT KANNAMKULAM, PULIYAMKULAM
BIRIKULAM P.O., PARAPPA VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT.
4. MANU K.CHANDRAN,
AGED 27 YEARS, S/O.CHANDRAN,
RESIDING AT KOZHIKATTIL HOUSE
PULIYAMKULAM, BIRIKULAM P.O., PARAPPA VILLAGE
HOSDURG TALUK, KASARAGOD DISTRICT.
5. SHAIBU K.G.,
AGED 29 YEARS, S/O.GEORGE,
RESIDING AT KULAMBAKULATHIL HOUSE
PULIYAMKULAM, BIRIKULAM P.O., PARAPPA VILLAGE
HOSDURG TALUK, KASARAGOD DISTRICT.

BY ADV. SRI.T.MADHU

RESPONDENT/STATE :

**THE STATE OF KERALA
THROUGH THE STATION HOSUE OFFICER
VELLARIKUNDU POLICE STATION, KASARAGOD DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT. LILLY LESLIE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K.RAMAKRISHNAN, J.

Bail.Appln.No.3720 of 2015

Dated this the 22nd day of July, 2015

ORDER

This is an application for anticipatory bail, filed by the accused in Crime.No.270/2015 of Vellarikundu Police Station, Kasaragod District under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter called the 'Code').

2. The case of the prosecution in nutshell was that on 14.06.2015, at about 8 p.m., the accused persons formed themselves into an unlawful assembly with deadly weapons, with a common object to causing grievous hurt, inflicted injuries to the defacto complainant and his wife and caused damage to the articles and thereby all of them have committed the offences punishable under Sections 143, 147, 148, 294(b), 341 and 326 read with 149 of the Indian Penal Code.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor and perused the Case

Diary file.

4. The learned counsel for the petitioner submitted that the offences under Section 149 of Indian Penal Code is not attracted. Further the first accused has already been arrested and he has been released on bail. So he prayed for allowing the application as regards the other accused persons.

5. The learned Public Prosecutor opposed the application.

6. It is seen from the records that the above crime was registered on the basis of the statement given by the defacto complainant originally against six persons, alleging offences under Sections 143, 147, 148, 294(b), 341 and 326 read with 149 of Indian Penal Code. It is also seen from the records and also as per the submissions of the learned counsel for the petitioner, the first petitioner has already been arrested and later he was released on bail. So under the circumstances, the other petitioners also can surrender before the concerned Magistrate court and move for regular bail. So considering the

circumstances, this Court feels that it is not a fit case to grant anticipatory bail but they can surrender before the concerned Magistrate court and move for regular bail. As far as the first petitioner is concerned, the relief has become infructuous as he was already arrested and according to the counsel for the petitioner, he was released on bail also. So other petitioners can very well surrender before the concerned Magistrate court and move for regular bail. If such an application is filed, on their surrender, the learned Magistrate is directed to consider and dispose of the bail application after hearing the Assistant Public Prosecutor of that court strictly in accordance with law, as far as possible on the date of filing the application itself.

With the above direction and observation, the application is dismissed.

Sd/-
K.RAMAKRISHNAN
JUDGE

VS