

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

Bail Appl..No. 3983 of 2015 ()

CRIME NO. 730/2015 OF FORT POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/3RD ACCUSED :

**SALIM A.,
AGED 32 YEARS, S/O.ABDUL GAFOOR,
KHAZAR-AL-DHANA, M.S.COTTAGE
JAI NAGAR, HOUSE NO.3, OONNAMPARA
PEROORKADA P.O., THIRUVANANTHAPURAM-695006.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENT/COMPLAINANT :

- 1. SUB INSPECTOR OF POLICE,
FORT POLICE STATION,
THIRUVANANTHAPURAM-695 001.**
- 2. STATE OF KERALA,
RESPONDENTS 1 AND 2
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
COCHIN-682 031.**

R1 & R2 BY PUBLIC PROSECUTOR SMT.REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

B.A. No.3983 of 2015

Dated this the 13th day of July 2015

ORDER

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is accused in Crime No.730 of 2015 of Fort Police station registered for the offences under Secs.143, 147, 148, 341, 323, 324, 326 and 307 read with Sec.149 of the Indian Penal Code. The prosecution case is that the petitioner along with the co-accused armed with weapons like swords formed themselves into an unlawful assembly and assaulted the victim causing him very serious injuries including fracture of a bone.

3. Heard both sides.

4. The victim sustained several incised wounds on the different parts of his body. There was a chip fracture of the right tibia. It is evident that he was assaulted with a weapon like sword. Prima facie there was an attempt on his life.

5. Learned counsel submits that there is no

allegation that the petitioner assaulted the victim with sword.

6. The question is not whether he was armed with sword. The only question is whether he was a member of the unlawful assembly. There is every reason to believe that he was a member of the unlawful assembly. The facts of the case indicate that it was in prosecution of the common object of the unlawful assembly to murder the victim the assault was made. The petitioner is not entitled to anticipatory bail.

In the result, the bail application is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge