

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

Bail Appl..No. 3997 of 2015 ()

CRIME NO. 1178/2015 OF THIRUVALLA POLICE STATION, PATHANAMTHITTA DISTRICT

PETITIONER/ACCUSED 1 & 3:

1. SUDHEESH MOHAN, AGED 20 YEARS,S/O MOHAN,
KALLUMPARAMBIL HOUSE, VALLAMKULAM P.O.,
THIRUVALLA.
2. MANU BABU, AGED 20 YEARS,S/O. BABU,
NADUVILEKOTTU, KAVUGUMPRAYAR P.O.,
PURAMATTAM.

**BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEES KUMAR**

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.
2. SUB INSPECTOR OF POLICE,
THIRUVALLA. PIN-689 101

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

K.ABRAHAM MATHEW, J

B.A.NO.3997 OF 2015

Dated this the 17th day of July, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 341, 323 and 326 of Indian Penal Code

3. According to the prosecution the victim went to a college for a certain purpose and the petitioners assaulted him with a stone causing fracture of his skull.

4. Heard.

5. The learned counsel submits that the allegations are false. Immediately after the incident the victim was taken to hospital and his First Information Statement was recorded by the police. Both the petitioners are named in the First Information Statement. The victim told the doctor that he was assaulted with a stone. The learned counsel submits that the victim was an outsider and he came to the college for the purpose of ragging girls students. This cannot be accepted. Even if it is assumed that the

allegation of the petitioners, they should not have resorted violence. The victim was alone. The accused were four in number. The learned counsel further submits that only one of the accused assaulted the victim. That may be correct. But the very fact that when they came to the victim, one of them had a stone with him shows that the petitioners also shared the common intention with that accused. Rowdyism on the campus cannot be tolerated. Merely because the petitioners are students anticipatory bail cannot be granted

In the result, this application is dismissed.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge