

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Bail Appl..No. 4039 of 2015

CRIME NO. 823/2015 OF KARUNAAGAPPALLY POLICE STATION, KOLLAM DISTRICT.
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PETITIONERS:

1. ANVIN RAJ, AGED 19 YEARS,
S/O. ABDUL SALEEM, NAVANEETHAM,
EDAKKULANGARA P.O., KARUNAGAPPALLY.
2. NITHIN, AGED 23 YEARS,
S/O. GOPALAKRISHNA PILLAI, RESIDING AT 313(4/112),
VYPPILKRISHAKKATHIL, YHODIYOOR PANCHAYAT,
KARUNAGAPPALLY P.O.

**BY ADVS.SRI.V.B.NARAYANAN
SRI.M.P.HARIKUMARAN PILLAI**

RESPONDENTS:

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682031.
2. SUB INSPECTOR OF POLICE,
KARUNAGAPPALLY POLICE STATION,
KARUNAGAPPALLY P.O., PIN-690518.

BY PUBLIC PROSECUTOR SMT.REMA.R

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No.4039 of 2015

Dated this the 15th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused of having committed the offences under Sections 143, 147, 148, 341, 323, 324, 506(ii) read with Section 149 of Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case is that armed with deadly weapons like iron pipes and swords they formed themselves an lawful assembly and in prosecution of the common object of the assembly they assaulted the victim with the weapons causing injuries on his head.

4. Heard.

5. The victim was admitted to hospital at 11 in the night. The doctor noticed several injuries on him. One of the injuries on the head was a lacerated injury. This makes probable the prosecution case that he was assaulted with weapons on his head. The learned counsel submits that the incident happened about four months ago. That alone cannot be a ground to grant anticipatory

bail. The weapons have not been recovered.

In the result, this application is dismissed.

The learned counsel submits that the petitioners will surrender before the learned Magistrate. They may do so if they are so advised in which case the learned Magistrate may pass appropriate orders.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge