

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

Bail Appl..No. 4273 of 2015 (D)

CRIME NO. 730/2015 OF KONNI POLICE STATION , PATHANAMTITTA

PETITIONER/3RD ACCUSED :

**JOHNSON CHERIAN, AGED 39 YEARS,
S/O. CHERIAN, CHERUVIL PUTHENVEEDU,
PERINJOTTACKAL P.O., KONNI THAZHAM
PATHANAMTHITTA.**

BY ADV. SRI.V.K.SUNIL

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682 031.(THROUGH S.I. OF POLICE
KONNI POLICE STATION).**

BY PUBLIC PROSECUTOR, SMT. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

DST

K. ABRAHAM MATHEW, J.

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B.A.No. 4273 of 2015

Dated this the 31st day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the third accused. He along with the co-accused is said to have committed the offences under Sections 341, 324, 308, 427, 294(b) read with Section 34 of the Indian Penal Code. The prosecution case is that the petitioner had enmity towards the victim, on account of which he hired the two co-accused to assault the victim. Pursuant to the conspiracy, the two co-accused came to the victim on the motor bike belonging to the petitioner and assaulted him with a dangerous weapon causing serious injuries on his head.

3. Heard.

4. The victim sustained very serious injuries on his head. The nature of the injuries shows that they were inflicted with a dangerous weapon like an iron rod. In the statement of the victim, it is disclosed that the petitioner had enmity towards him. There is no dispute that the co-accused came to the place of

occurrence and escaped from there on the motor cycle belonging to the petitioner. The phone call records of the co-accused show that the petitioner had contacted them several times before and after the incident. *Prima facie*, there was a conspiracy involving the petitioner. This is not a fit case to grant anticipatory bail.

In the result, this application is dismissed.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

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P.A. To Judge