

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

Bail Appl..No. 4324 of 2015 ()

**CRIME NO. 1126/2015 OF KUNNAMKULAM POLICE STATION,
TRISSUR DISTRICT**

APPLICANT/ 1ST ACCUSED :

**SAJEESH, AGED 32 YEARS,
S/O.KUNJUMON, KOTTAREPPATT HOUSE,
ARTHAT VILLAGE, THALAPPILLY TALUK, THRISSUR DISTRICT.**

**BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SMT.VINAYA V.NAIR**

RESPONDENT/STATE:

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

SUNIL THOMAS, J.

B.A. No.4324 OF 2015

Dated this the 27th day of July, 2015

O R D E R

The first accused in Crime No.1126/2015 of Kunnamkulam Police Station who stands indicted for offences punishable under Sections 341,324,308 and 506 (ii) read with Section 34 IPC and Section 27 of Arms Act is the petitioner herein.

2. The allegation of the de facto complainant is that on 4/6/2015 at about 9.p.m. he was attacked by the petitioner herein, and another person. The de facto complainant and another person sustained injuries and they were admitted in the hospital. The FIS was laid and crime registered. The accused apprehending arrest, seeks pre arrest bail.

3. Heard both sides and examined the records.

4. The learned counsel for the petitioner contended that, in fact, he was injured and he had lodged a complaint, pursuant to which a crime was registered as No.1114/2015. It was alleged that in that incident his brother sustained serious injuries and was hospitalized. Thereafter as a counter blast, the present case was set up. He sought bail on the above ground.

5. Perusal of the records indicate that the present crime was

registered on 7/6/2015 on the basis of the statement given by the first informant in the hospital. It is true that there is a time gap of three days in between registration of both the crimes. However, that pales into insignificance, in the light of the wound certificate which shows that the injured was taken to the hospital and seen by the doctor on the alleged date of the incident itself, viz. 4/6/2015 at 10 p.m. Further, even though the learned counsel for the petitioner contended that his brother had sustained serious injury, there is no material to prove that. On the other hand, the defacto complainant is seen to have sustained injury on the head. He had bleeding from the scalp, and a cut with left side extending up to left eye ball . It was mentioned that he was assaulted with a chopper. The person who was accompanying him had sustained incised cut extends side mid. The weapon used is sword. Though there is an allegation that firearm was used for causing bodily injury, there is no corresponding injury.

6. The learned public prosecutor submits that apart from the present crime, the petitioner is involved in eight other crimes spanning over a long period of 4 to 5 years.

Considering the entire facts, the nature of allegation, the nature of the weapon used and the antecedents of the petitioner, I feel that this is not a fit case in which pre arrest bail can be granted. The

petition is accordingly, dismissed.

Sd/-

SUNIL THOMAS
Judge

dpk

/true copy/ PS to Judge .

