

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW**

**MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937**

**Bail Appl..No. 4501 of 2015**

**CRIME NO. 586/2015 OF MALAYINKEEZH POLICE STATION,  
THIRUVANANTHAPURAM DISTRICT.**

**PETITIONERS/ACCUSED NO.1 TO 5:**

1. JAYARAJAN, AGED 24 YEARS,  
S/O. SAIMON, KARUNYAM, THENGOTTUVILA,  
PERUKAVU P.O., THIRUVANANTHAPURAM.
2. KRISHNA KUMAR, AGED 30 YEARS,  
S/O. GOPI, KALLAMPOTTA VEEDU, PERUKAVU P.O.,  
THIRUVANANTHAPURAM.
3. VINOD, AGED 22 YEARS, S/O. VIJAYAN,  
ELLUVILA VEEDU, PERUKAVU P.O.,  
THIRUVANANTHAPURAM.
4. SURESH, AGED 28 YEARS, S/O. SUKU,  
THENGINKADA VEEDU, VIZHAVOOR,  
MALAYAM P.O., THIRUAVANANTHAPURAM.
5. SATHEESH, AGED 24 YEARS, S/O. KRISHNAN,  
PARAVILA VEEDU, PERUKAVU P.O.,  
THIRUVANANTHAPURAM.

**BY ADVS.SRI.S.RAJEEV  
SRI.K.K.DHEERENDRAKRISHNAN  
SRI.V.VINAY**

**RESPONDENTS/STATE:**

1. STATE OF KERALA, REP.BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682031  
(CRIME NO. 586/2015 OF MALAYINKEEZHU POLICE STATION,  
THIRUVANANTHAPURAM DISTRICT).
2. STATION HOUSE OFFICER,  
MALAYINKEEZHU POLICE STATION,  
THIRUVANANTHAPURAM DISTRICT- (CRIME NO. 586/2015 OF  
MALAYINKEEZHU POLICE STATION  
THIRUVANANTHAPURAM DISTRICT).

**BY PUBLIC PROSECUTOR SMT.REMA.R**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 03-08-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**mbr/**

**K. ABRAHAM MATHEW, J.**

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**B.A. No.4501 of 2015**  
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**Dated this the 3<sup>rd</sup> day of August 2015**

**ORDER**

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.586 of 2015 of Malayinkeezhu Police station registered for the offences under Secs.143, 144, 147, 148, 294(b), 307, 323, 324, 326, 341 and 427 read with Sec.149 of the Indian Penal Code. The prosecution case is that armed with deadly weapons like iron rod and chopper the petitioners formed themselves into an unlawful assembly, wrongfully restrained the victim, assaulted him with an intention of causing his death and committed mischief also.

3. Heard both sides.

4. Learned counsel submits that there is no allegation that every petitioner was armed with weapon.

5. That may be true. But the assembly was unlawful. It is not necessary that everyone is armed with weapons or that everyone assaults the victim. The

membership alone is sufficient to attract the offences. No distinction can be made between the persons who are armed with weapons and who are not armed with weapons. The incident happened at 8.30 p.m. Apart from lacerated wound on the scalp and other parts of the body, the victim had a fracture of the left parietal bone.

6. The facts of the case do not incline me to grant anticipatory bail to the petitioner.

In the result, the bail application is dismissed. Learned counsel submits that the petitioners will surrender before the investigating officer. They may do so if they are so advised.

Sd/-  
**K. ABRAHAM MATHEW**  
**JUDGE**

NS