

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

Bail Appl..No. 5033 of 2015

CRIME NO. 128/2015 OF MANKADA POLICE STATION , MALAPPURAM

PETITIONER(S)/4TH ACCUSED :

**NASEER HUSSAIN, AGED 41 YEARS,
S/O.ABDUL AZEEZ, KUNNASSERY (H), MANKADA,
KOOTIL (P.O), PERINTHALMANNA TALUK.**

BY ADV. SRI.K.DILIP

RESPONDENT(S)/STATE OF KERALA :

**THE STATE OF KERALA,
REPRESENTED BY THE MANKADA POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A.No.5033 of 2015

Dated this the 14th day of September, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the 4th accused in Crime No.128 of 2015 of Mankada Police Station registered for the offences punishable under Sections 324, 326 and 308 r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that on 22.02.2015, the accused Nos.1 to 3 in furtherance of their common intention attacked the *de facto* complainant and his father. Prosecution contended that when they were being taken to a hospital, this petitioner along with other accused attacked them on the way to the hospital and caused serious injuries.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. Learned counsel for the petitioner submitted that the petitioner is innocent of all accusations. Due to

enmity nurtured by the *de facto* complainant he was falsely implicated in the case. It is also submitted his name was not mentioned in the FIS.

After hearing the counsel on both sides and on perusal of the case diary, the plea of total innocence is *prima facie* unacceptable. Further, his earlier bail application for pre-arrest bail was rejected by this Court. I do not find any change of circumstances warranting a change of view in this case. Therefore, this bail application is dismissed.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge