

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

Bail Appl..No. 5098 of 2015 ()

CRIME NO. 670/2012 OF VARKALA POLICE STATION, THIRUVANANTHAPURAM

PETITIONERS/ACCUSED 2 & 3 :

- 1. SHARAFUDEEN**
S/O. MUHAMMED IBRAHIM, AGED 38 YEARS
HAJIRA MANZIL (PANTHUVILA VEEDU), VARKALA
VARKALA P.O., NADAYARA, POOVANKAL DESOM
CHEMMARUTHY VILLAGE, THIRUVANANTHAPURAM DISTRICT.
- 2. ABDUL SALIM @ SALIM**
S/O. MUHAMMED IBRAHIM, AGED 50 YEARS
LAMEES GARDEN, S.N.PURAM, VARKALA,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS/STATE AND COMPLAINANT :

- 1. STATE OF KERALA**
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
- 2. SUB INSPECTOR OF POLICE**
VARKALA POLICE STATION,
THIRUVANATHAPURAM DISTRICT-695 004.

R1 & R2 BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

A.HARIPRASAD, J.

B.A.No.5098 of 2015

Dated this the 1st day of September, 2015

ORDER

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

2. Petitioners are accused 2 and 3 in Crime No.670 of 2012 of Varkala Police Station registered for the offences punishable under Sections 143, 147, 148, 149, 308, 324 and 452 of the Indian Penal Code r/w Section 27 of the Arms Act.

3. Prosecution case is that due to previous enmity the accused formed themselves into an unlawful assembly and trespassed into the house of the *de facto* complainant on 19.06.2012 at about 09.45 p.m., and assaulted the *de facto* complainant with iron pipe and sword stick causing serious injuries.

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

5. Learned counsel for the petitioners submitted that a final report has been filed in this matter.

6. Learned Public Prosecutor opposed the bail application contending that there are serious allegations

against the petitioners of committing overtacts. It is also submitted that they used sword stick and iron pipe to assault the victim.

7. Considering the nature of allegations and the fact that these accused did not surrender either before the Investigating Officer or before the court earlier, I am of the view that they are not entitled to get anticipatory bail.

If the petitioners surrender before the Investigating Officer within a period of 'two weeks' from today, the Investigating Officer shall, after interrogation, produce them before the learned magistrate having jurisdiction. If they move an application for regular bail before the Court below, it shall consider the matter on merit and dispose of the application as expeditiously as possible.

Sd/-

A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge