

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

Bail Appl..No. 5134 of 2015 ()

CRIME NO. 117/2014 OF VADAKKENCHERRY POLICE STATION, PALAKKAD DIST.

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APPLICANTS/ACCUSED NO.2 AND 4:

- 1. AUGUSTINE, S/O.MATHAI, AGED 66 YEARS,
KOTHOLIL HOUSE, PALAKUZH, Y,
KIZHAKKENCHERY, ALATHUR TALUK,
PALAKKAD DISTRICT.**
- 2. VIPIN DAS, S/O.M. VASU, AGED 32 YEARS,
THACHAKUNNIL HOUSE, AYAKKAD,
ALATHUR TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.JOHN JOSEPH (ROY).

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
VADAKKENCHERY POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A. HARIPRASAD, J.

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B.A.No. 5134 of 2015

Dated this the 2nd day of September, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused 2 and 4 in Crime No. 117 of 2014 of Vadakkanchery Police Station, registered for the offences punishable under Sections 143, 147, 148, 323, 324 and 308 read with Section 149 of the Indian Penal Code.

3. The prosecution case in short is that on 19.01.2014, at about 6 p.m. the petitioners along with other accused formed themselves into an unlawful assembly and attacked the *de facto* complainant with knife, iron rod, wooden reaper etc.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that they are innocent of all the allegations. It is also submitted that no overt act was alleged against them.

6. Learned Public Prosecutor opposed the bail application submitting that this is the 3rd application under Section 438 Cr.P.C. by the petitioners and the two earlier ones were dismissed.

7. Considering the nature of allegations and the manner by which the petitioners have attempted to get the jurisdiction of this Court under Section 438 Cr.P.C. invoked, I am of the view that the petitioners are not entitled to get anticipatory bail.

Therefore, they shall surrender before the Investigating Officer within 15 days and submit themselves for interrogation. In that event, the Investigating Officer after questioning shall produce them before the court having jurisdiction. They can move for regular bail in that event.

Sd/-
**A. HARIPRASAD,
JUDGE**

DST

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P.A. To Judge