

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

Bail Appl..No. 5246 of 2015

CRIME NO. 192/2015 OF ENATH POLICE STATION , PATHANAMTITTA

PETITIONER(S)/ACCUSED NOS.6,9 AND 10:

1. NOUSHAD, AGED 36 YEARS,
S/O. MUHAMMED KUNJU, KALLUVETTIYIL LEKSHAM VEEDU,
MANNADY P.O., KADAMBANADU, ADOOR,
PATHANAMTHITTA. (A6)
2. SHERIEF, AGED 43 YEARS,
S/O. MAHADOON RAWTHER, SABEENALAYAM, ME MANNADY
MANNADY P.O., KADAMBANADU, ADOOR
PATHANAMTHITTA. (A9).
3. SHYJU, AGED 26 YEARS,
S/O. SHAJI, KALLUVETTIYIL LEKSHAM VEEDU, MANNADY P.O.
KADAMBANADU, ADOOR, PATHANAMTHITTA. (A10)

BY ADVS.SRI.KRISHNA PRASAD. S
SRI.NOBEL RAJU

RESPONDENT(S)/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031,
REPRESENTING THE STATION HOUSE OFFICER, ENATHU,
PATHANAMTHITTA-682 031.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.5246 of 2015

Dated this the 4th day of September, 2015

ORDER

Petitioners seek pre-arrest bail under Section 438 of the Code of Criminal Procedure apprehending arrest in Crime No.192 of 2015 of Enathu Police Station. They involved in offences punishable under Sections 341, 294(b), 323, 324, 326, 427 and 506(i) read with Section 34 of the Indian Penal Code. Prosecution case, in short, is that on 18.03.2015 at about 10 a.m. the petitioners along with other accused attacked the defacto complainant with iron rod and other weapons.

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

3. Petitioner have approached this Court with an anticipatory bail application which was considered and dismissed by this Court as per order in B.A.No.2177 of 2015. Learned counsel for the petitioners submitted that production of some documents will show that the petitioners are totally innocent of the allegations.

On going through the materials, I am not of the opinion that there is any change of circumstances warranting grant of bail under

Section 438 of the Code of Criminal Procedure to the petitioners. Hence the bail application is dismissed.

A. HARIPRASAD, JUDGE.

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