

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

Bail Appl..No. 5454 of 2015 ()

CRIME NO. 1450/2015 OF PALA POLICE STATION , KOTTAYAM DISTRICT

PETITIONER(S)/ACCUSED 1,3 & 6:

1. JINS, AGED 23 YEARS,
S/O.DEVASYA, KURIAYATH KIZHAKEEL HOUSE,
VELICHIRA VILLAGE, MEENACHIL VILLAGE,
KOTTAYAM DISTRICT.
2. ABIN MARTIN, AGED 22 YEARS,
S/O.MARTIN, POOVATHANIKUNNEL HOUSE, POOVARANY,
MEENACHIL VILLAGE, KOTTAYAM DISTRICT.
3. THOMAS GEORGE, AGED 20 YEARS,S/O.GEORGE,
PURAYIDATHIKUNNEL HOUSE, MEENACHAL VILLAGE,
MEENACHAL THALUK, KOTTAYAM DISTRICT.
4. RAHUL K.S., AGED 20 YEARS,S/O.SASIKUMAR,
KONANIKUNNEL HOUSE, MEENACHAL VILLAGE,
MEENACHAL THALUK, KOTTAYAM DISTRICT.
5. SREEJITH, AGED 24 YEARS, S/O.SOMAN,
KADUVAMMAKKIL HOUSE, MULAMKULAM VILLAGE,
VYKOM THALUK, KOTTAYAM DISTRICT.

**BY ADVS.SRI.K.S.ARUN KUMAR
SMT.M.N.MAYA
SMT.RESMI THOMAS**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No. 5454 of 2015

Dated this the 7th day of December, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.1 and 3 to 6 in Crime No.1450 of 2015 of Pala Police Station registered for offences punishable under Sections 143, 147, 148, 308, 326, 323 and 427 r/w Section 149 I.P.C.

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

4. Prosecution case, in short, is that the accused persons belong to a political group. They, due to hostility, attacked another group of political workers on 14-08-2015 at about 11.30 p.m. All of them, as members of an unlawful assembly, armed with deadly weapons like iron rods, sticks etc attacked the defacto complainant, causing nasal bone fracture and other injuries.

5. Learned counsel for the petitioners submitted that documents could be obtained from hospital showing that the defacto complainant did not suffer any head injury in the incident. But the

wound certificate in the case diary shows that he sustained multiple injuries and fracture of nasal bone. It is the case that the petitioners attempted to commit culpable homicide and attacked the defacto complainant with deadly weapons. Considering the nature of allegations and the fact that recovery of material objects could not be effected and also that extensive damage to motorcycles have been caused by the petitioners, I am not inclined to grant pre-arrest bail to the petitioners. Hence the bail application is dismissed.

Sd/-
A.HARIPRASAD,
JUDGE.

amk

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PA to Judge