

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Bail Appl..No. 5491 of 2015

CRIME NO. 394/2015 OF VELLATHOOVAL POLICE STATION , IDUKKI DISTRICT

PETITIONER(S)/ACCUSED 1 TO 3 :

- 1. ANOOP O.S, AGED 28 YEARS,
S/O.SREEDHARAN, OLIYAMKUNNEL HOUSE, KONNATHADI P.O.,
IDUKKI DISTRICT- 685 563.**
- 2. SREEDHARAN, AGED 65 YEARS,
S/O.SANKARAN, OLIYAMKUNNEL HOUSE, KONNATHADI P.O.,
IDUKKI DISTRICT- 685 563.**
- 3. AKHIL E.S, AGED 21 YEARS,
S/O.SUDHAN, ELAKKATT HOUSE, KONNATHADI P.O.,
IDUKKI DISTRICT- 685 563.**

BY ADV. SRI.ARUN MATHEW VADAKKAN

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE,
VELLATHOOVAL POLICE STATION,
VELLATHOOVAL- 685 563, IDUKKI DISTRICT.**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.5491 of 2015

Dated this the 15th day of September, 2015

ORDER

Petitioners seek pre-arrest bail under Section 438 of the Code of Criminal Procedure in Crime No.394 of 2015 of Vellathooval Police Station registered under Sections 324, 341, 427, 294(b) and 308 read with Section 34 of the Indian Penal Code.

2. Prosecution contended that the accused nurtured enmity towards the defacto complainant even previous to the incident. They, with the common intention of committing culpable homicide not amounting to murder of the defacto complainant, on 21.08.2015 at 5.30 p.m. waylaid the motor bike on which the defacto complainant was proceeding. The first accused used a chopper to attack the defacto complainant and caused injuries. Third accused used a knife and thereby caused an injury on the buttex of the defacto complainant.

3. Heard both sides.

4. Learned counsel for the petitioners submitted that there is a counter case wherein the accused persons were attacked by the defacto complainant.

The case diary shows that the investigation revealed that the

counter case is a false one. Considering the nature of allegations and injuries sustained and also the requirement of recovering the weapons during custodial interrogation, I am not inclined to grant anticipatory bail to the petitioners.

Bail application is dismissed.

A. HARIPRASAD, JUDGE.

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