

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937**

**Bail Appl..No. 5819 of 2015**  
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**CRIME NO.326 OF 2014 OF PARIYARAM MEDICAL COLLEGE POLICE STATION ,  
KANNUR DISTRICT**  
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**PETITIONER(S)/ACCUSED 4 AND 5 :**  
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- 1. PRAKASHAN MANHERIVEETIL, AGED 38 YEARS,  
S/O.N.V.KRISHNAN, SOUPARNIKA, CHIPPILE POYIL,  
PARIYARAM, THALIPARAMBA, KANNUR DISTRICT.**
- 2. RADHAKRISHNAN MANHERIVEETIL, AGED 35 YEARS,  
S/O.N.V.KRISHNAN, SOUPARNIKA, CHIPPILE POYIL,  
PARIYARAM, THALIPARAMBA, KANNUR DISTRICT.**

**BY ADV. SRI.BABU S.NAIR**

**RESPONDENT(S)/STATE AND COMPLAINANT :**  
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- 1. THE STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,  
PARIYARAM MEDICAL COLLEGE POLICE STATION,  
KANNUR - 670 502.**

**BY SR.PUBLIC PROSECUTOR SRI.V.S.SREEJITH**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 05-10-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

Msd.

**A.HARIPRASAD, J.**

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**B.A.No.5819 of 2015**  
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Dated this the 5<sup>th</sup> day of October, 2015

**O R D E R**

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

2. Petitioners are accused Nos. 4 and 5 in Crime No.326 of 2014 of Pariyaram Medical College Police Station registered for the offences punishable under Sections 143, 147, 148, 506(ii), 302, 323, 324 and 307 r/w Section 149 of the Indian Penal Code.

3. Prosecution allegation is that on 13.05.2014 at about 11.00 p.m., they formed into an unlawful assembly armed with deadly weapons and A1 to A3 attacked the *de facto* complainant and his son. Severe injuries were inflicted on the *de facto* complainant, his son and wife. Petitioners also involved in the criminal transaction is the prosecution case.

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

5. Learned counsel for the petitioners submitted

that there is no allegation by the prosecution that the petitioners caused any injury to the *de facto* complainant and his son, which resulted in the death of one person.

This submission is strongly opposed by the Public Prosecutor. All the more, another factor against the petitioner is that his application for anticipatory bail was dismissed by this Court as per the order dated 09.01.2015 in B.A.No.8974 of 2015. I find no change of circumstance. Hence, this application is an abuse of the process of court. Therefore, the application is dismissed.

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

AS

/True Copy/

P.A. to Judge