

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Bail Appl..No. 6080 of 2015

CRIME NO. 1765/2015 OF ATTINGAL POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/4TH ACCUSED:

**SARATH, AGED 23 YEARS,
S/O. SATHEESAN, THUSHARA, VAIDHYASALA,
VANCHIYOOR, ATTINGAL.**

**BY ADVS.SRI.D.KISHORE
SMT.MINI GOPINATH**

RESPONDENTS/STATE AND COMPLAINANT:

**1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

**2. THE SUB INSPECTOR OF POLICE,
ATTINGAL POLICE STATION,
THIRUVANANTHAPURAM DISTRICT-695001.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A No.6080 of 2015

Dated this the 12th day of October, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the 4th accused in Crime No.1765 of 2015 of Attingal Police Station registered for offences punishable under Sections 143, 147, 149, 341, 294(b), 323, 324, 326, 306 and 307 r/w Section 149 I.P.C and also Section 27 of the Arms act.

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

4. Prosecution case, in short, is that on 28-08-2015 at about 7.00 p.m, the accused Nos.1 to 5 along with other identifiable persons on sight, armed with deadly weapons attacked the defacto complainant in connection with a skirmish relating to Onam Festival.

5. Learned counsel for the petitioner submitted that the

petitioner is not involved in any offence and his name is not mentioned by the defacto complainant. Learned Public Prosecutor strongly opposed the bail application. According to her, he is named in the subsequent statement and his role is that he beat the defacto complainant with a rafter and the petitioner sustained fractures. Considering the nature of allegations, I am not inclined to grant pre-arrest bail to the petitioner. Hence, the bail application dismissed.

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

//True copy//

P.A to Judge

amk