

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. 6124 of 2015

CRIME NO. 1654/2015 OF VAIKOM POLICE STATION , KOTTAYAM

PETITIONER(S)/ACCUSED NOS 1&2:

1. BINEESH, AGED 32 YEARS,
S/O. NARAYANAN, THAICHIRA VEEDU, THAIKATTUSSERI PO,
CHERTHALA, ALAPPUZHA -688528.
2. SASIKALA, AGED 37 YEARS,
W/O. SURESH, KOLLAMPARAMBIL HOUSE, VAIKKAPRAYAR PO,
VAIKKOM, KOTTAYAM-686 142.

BY ADVS.SRI.DIPU.R
SRI.SANAL P.RAJ
SRI.K.S.BAIJU

RESPONDENT(S)/COMPLAINANT & STATE:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.
2. STATION HOUSE OFFICER, VAIKOM POLICE STATION,
VAIKOM, KOTTAYAM-686 141.

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.6124 of 2015

Dated this the 12th day of October, 2015

O R D E R

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

2. Petitioners are accused 1 and 2 in Crime No.1654 of 2015 of Vaikkom Police Station registered for the offences punishable under Sections 143, 147, 148, 324, 452, 326, 308 and 427 r/w Section 149 of the Indian Penal Code.

3. Prosecution case is that on 19.09.2015 at about 10.30 p.m., the petitioners along with other identifiable persons attacked the defacto complainant by using iron rod and other weapons.

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

5. Leaned counsel for the petitioners submitted that the defacto complainant falsely implicated the petitioners in the crime on account of questioning her illicit relationship with the husband of the second

petitioner. Second petitioner had filed a complaint before the Police as well as the Women's Cell. To wreak vengeance a false case is alleged against the petitioners is the contention of the accused.

6. Leaned Public Prosecutor opposed the bail application contending that iron rod was used cause injuries on the head of the defacto complainant including fracture. That apart, recovery of the material objects will have to be effected while accused is in custody.

The entire matters considered together make it clear that the petitioners are not entitled to get anticipatory bail.

The bail application is dismissed.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge