

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 6149 of 2015 ()

**CRIME NO. 1363/2015 OF KONNI POLICE STATION,
PATHANAMTITTA DISTRICT**

PETITIONERS/ACCUSED NOS. 1 TO 4 :

- 1. JAYACHANDRAN, AGED 43 YEARS,S/O. NANU,
PUTHENPURAYIL VEEDU, ARUVAPPULAM MURI,
ARUVAPPULAM VILLAGE.**
- 2. ARUN, AGED 37 YEARS,S/O. NANU,
PUTHENPURAYIL VEEDU, ARUVAPPULAM MURI,
ARUVAPPULAM VILLAGE.**
- 3. SUMESH, AGED 27 YEARS, S/O. SOMAN,
CHAKKITTAYIL VEEDU, CHENGARA MURI,
KONNY VILLAGE.**
- 4. SHYJU, AGED 30 YEARS,
S/O. SUKUMARAN, MANDRATHIL VEEDU,
THAVALAPPARA,PAYYANAMON, ITAVON VILLAGE.**

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A. HARIPRASAD, J.

Bail Appl. No.6149 of 2015

Dated this the 15th day of October 2015

ORDER

Bail application filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.1 to 4 in Crime No.1363 of 2015 of Konny Police station registered for the offences punishable under Secs. 323, 324 and 308 read with Sec.34 of the Indian Penal Code. Prosecution allegation is that on 27.08.2015 at about 2.30 p.m., the accused persons armed with harmer and sharp iron rod attacked the defacto complainant. The 1st accused beat the defacto complainant with harmer and other accused inflicted blows with weapons. They intended to kill the defacto complainant. The 2nd accused smeared chilly powder in the eyes of the defacto complainant. The defacto complainant was taken to hospital.

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

4. Learned counsel for the petitioners

submitted that there is no justification for adding Sec.308 IPC against the petitioners. Further, they are not involved in any offence. It is also submitted by the learned counsel for the petitioners that there is inordinate delay in registering the crime.

5. Learned Public prosecutors opposed the bail application. Case diary is produced for perusal.

6. It is seen that the accused are involved in Crime No.1274 of 2015 registered for the offences under Secs.294(b), 323, 341 and 427 read with Sec.34 of the Indian Penal Code and the case is under investigation. Further, the order passed by the learned Sessions Judge rejecting the anticipatory bail enumerate the grave injury sustained by the defacto complainant in the course of the transaction.

Considering the nature of injuries sustained by the defacto complainant including the head injury and the treatment that could have been given to him in the hospital, I am of the view that the delay in registering the crime can be considered only at the time of trial. Prima

facie, there are for implicating them in this crime.

In the result, the bail application is dismissed.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/15/10/2015

P.A. To Judge