

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

Bail Appl..No. 6241 of 2015 ()

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CRIME NO. 1056/2015 OF PULIKKEEZHU POLICE STATION , PATHANAMTITTA

PETITIONER(S):

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1. HARI ,AGED 48 YEARS  
S/O. CHELLAPPAN, HAREESH BHAVANAM  
KIZHAKKUMBHAGOM P.O., NIRANAM.
2. REJI, AGED 38 YEARS  
S/O. KUNJUKUNJU, MOOKKASSERIL, KIZHAKKUMBHAGOM P.O.  
NIRANAM.
3. ANIL M.R. AGED 33 YEARS  
S/O. RAJAPPAN, MOOKKASSERIL, KIZHAKKUMBHAGOM P.O.  
NIRANAM.

BY ADV. SRI.C.B.SREEKUMAR

RESPONDENT(S):

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1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA  
ERNAKULAM-682 031.  
(CRIME NO.1056 OF 2015 OF PULIKKEEZHU  
POLICE STATION)-689 631.
2. S.I. OF POLICE  
PULIKKEEZHU POLICE STATION-691009.

BY PUBLIC PROSECUTORS.T.Y.LALIZA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-12-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**A.HARIPRASAD, J.**

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**B.A. No.6241 of 2015**  
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**Dated this the 16<sup>th</sup> day of December, 2015**

**ORDER**

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioners apprehend arrest in Pulikkezhu Police Station Crime No.1056 of 2015 registered for offences punishable under Sections 341, 326, 323 and 427 read with Section 34 of the Indian Penal Code.

3. Heard both sides.

4. Learned Prosecutor submitted that petitioners 2 and 3 are not made accused. They are only suspects. Only after questioning the first accused (first petitioner) the identity of other accused could be revealed.

After hearing the learned counsel for the petitioners and the Prosecutor, I am of the view that the first petitioner is not entitled to get anticipatory bail. Allegation against him is that he along with other accused attacked the defacto complainant with wooden stick and caused fracture of four ribs. Recovery of the weapon has not been effected. Therefore, the first petitioner is not entitled to get pre-arrest bail. His application will stand dismissed. Insofar as petitioners 2 and 3 are concerned, since they are not

made accused in the case, their apprehension that they will be arrested is baseless. Hence their application is also dismissed.

**A. HARIPRASAD, JUDGE.**

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