

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Bail Appl..No. 7068 of 2015 ()

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CRIME NO. 355/2013 OF VIDYANAGER POLICE STATION, KASARAGOD DISTRICT.**

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PETITIONER/ACCUSED:

**SHIVAPRASAD D.,
S/O. DAMODARAN, R/AT ALAKA HOUSE,
CHENGALA P.O., CHERKALAM,
KASARAGOD DISTRICT.**

BY ADV. SRI.KODOTH SREEDHARAN.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER, VIDYANAGER,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A. HARIPRASAD, J.

Bail Appl. No.7068 of 2015

Dated this the 17th day of November 2015

ORDER

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

2. Petitioner is the 1st accused in Crime No.355 of 2013 of Vidyanagar Police station registered for the offences punishable under Secs.143, 147, 148, 341, 323, 324, 308 and 427 read with Sec.149 of the Indian Penal Code. Prosecution case in short is that, on 31.05.2011 at about 20.15 hours, the petitioner along with other accused, due to political vengeance, formed themselves into an unlawful assembly, armed with weapons attacked the defacto complainant causing injuries.

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

4. Learned counsel for the petitioner contended that the learned Sessions Judge granted bail to accused nos.2 to 6 as per order in Crl.M.P. No.2134 of 2013 on the file of Court of Sessions Kasaragod and rejected the bail plea of the petitioner.

5. Learned Public Prosecutor submitted that after completion of investigation charge has been filed and the matter is now pending in committal proceedings as C.P. No.392 of 2014 on the file of the Judicial First Class Magistrate Court, kasaragod.

I do not find any legal reason to grant pre arrest bail to the petitioner at this stage of the matter. Untrammelled by any of the observations contained in the order of the Sessions Judge, mentioned above, the committal Court shall consider the bail application of the petitioner, if any, and pass orders on merit on the date of filing itself.

Sd/-
A. HARIPRASAD
JUDGE
/ True Copy /

NS/17/11/2015

P.A. To Judge