

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

Bail Appl..No. 7250 of 2015 ()

**CRIME NO. 1314/2015 OF EZHUKONE POLICE STATION,
KOLLAM DISTRICT**

PETITIONERS/ACCUSED 4 & 5 :

- 1. SAJI MATHEW, AGED 19 YEARS,
S/O. MATHEW, BERSHEBA (H), KAITHAKODU,
PAVITHRASHWARAM, KOLLAM DISTRICT**
- 2. JIJO MATHEW, AGED 20 YEARS,
KAITHAKODU, PAVITHRASHWARAM, KOLLAM DISTRICT**

**BY ADVS.SRI.T.S.JOHN
SRI.JESTIN MATHEW**

RESPONDENTS/STATE & COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031**
- 2. CIRCLE INSPECTOR OF POLICE,
OFFICE OF THE CIRCLE INSPECTOR, EZHUKONE, KOLLAM**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A. HARIPRASAD, J.

Bail Appl. No.7250 of 2015

Dated this the 26th day of November 2015

O R D E R

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

2. Petitioners are accused nos.4 and 5 in Crime No.1314 of 2015 of Ezhukone Police station registered for the offences punishable under Secs.143, 147, 148, 324, 326 and 307 read with Sec.149 of the Indian Penal Code. Prosecution case in short is that, the accused persons who are members of an unlawful assembly, armed with weapons like iron rods, swords, sticks etc., attacked the defacto complainant on 09.09.2015 at about 10.45 p.m. and inflicted serious injuries. The accused nurtured hostility towards the defacto complainant since he informed the Excise officials about the illicit manufacturing of arrack by the accused.

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

4. Learned counsel for the petitioners submitted that the petitioners are students and they are

innocent of all the allegations.

5. Learned Public Prosecutor opposed the bail application. It is contended that the petitioners used sticks and caused fracture on the defacto complainant. Custody of the petitioner is essential since recovery of the weapons have not been effected.

6. Considering the nature of allegations and the alleged role played by the petitioners in this crime, I am not inclined to grant pre arrest bail to them.

In the result, the bail application is dismissed.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/26/11/2015

P.A. To Judge