

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Bail Appl..No. 7860 of 2015 ()

**AGAINST THE ORDER IN Bail Appl. No. 5718/2015 of HIGH COURT OF KERALA
DATED 21-11-2015
CRIME NO.1545/2015 OF KUNNAMKULAM POLICE STATION, THRISSUR**

PETITIONER(S)/PETITIONER/ACCUSED:

**ABHILASH A., AGED 21 YEARS,
S/O. ASOKAN, ALAPPOOKATTIL HOUSE, EZHUTHURUTHY,
THEYANGADU P.O., PONNANI-679577.**

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SMT.MEGHA K.XAVIER**

RESPONDENT(S)/RESPONDENT/COMPLAINANT:

**STATE OF KERALA
REPRESENTING SUB INSPECTOR OF POLICE,
KUNNAMKULAM POLICE STATION, THRISSUR DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.R.GITHESH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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RAJA VIJAYARAGHAVAN V, J.

B.A.No.7860 of 2015

Dated this the 21st day of December, 2015

O R D E R

This petition is filed under S.438 of the Code of Criminal Procedure seeking pre-arrest bail.

2. The petitioner is the accused in Crime No.1545/2015 of Kunnamkulam Police Station. The aforesaid crime has been registered for offence punishable under S.143, 147, 148, 452, 341, 353, 332, 323, 324, 354 & 506(i) of the IPC, S.3(1) of the Prohibition of Destruction of Public Property Act, 1984 and S.3 & 4 of the Kerala Health Care Service Person and Health Care Service Institution (Prevention of Violence and Damage to the Property) Act, 2012.

3. The prosecution case is that on 21.08.2015 there occurred an incident in the Royal Engineering College, Kunnamkulam, wherein one of the students of the said college was assaulted by other students. The injured

student had filed a complaint before the Erumapetty police station. The police went in search of the accused named in the complaint and there occurred a fracas in the college. The police had to use force to apprehend the accused persons and in that melee, one of the students lost his life by falling into a well.

4. In retaliation, the petitioner herein along with others, trespassed into the hospital, where the injured student was admitted as an inpatient and attacked him. The hospital staff who interfered were also assaulted and equipments were damaged. It is further alleged that the petitioner and others have outraged the modesty of the women employees of the hospital.

5. I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.

6. The learned counsel appearing for the petitioner has submitted that the offence under S.354 is not attracted

and the allegations against the petitioner is baseless.

7. The learned Public Prosecutor has vehemently opposed the application seeking pre-arrest bail and has submitted that there are no circumstances warranting the grant of relief as prayed for by the petitioner.

8. The petitioner and others had earlier approached this court seeking identical relief and this Court as per order dated 21.11.2015 in B.A.No.5718/2015 had dismissed the same.

After having considered the rival contentions and in view of the dismissal of the earlier application by this Court, I am of the view that the petitioner has not made out a prima facie case for grant of pre-arrest bail. Hence the application is dismissed.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE.**

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[True copy]

P.A to Judge