

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Bail Appl..No. 8021 of 2015

CRIME NO. 96/2015 OF NADAPURAM POLICE STATION, KOZHIKODE DISTRICT.
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PETITIONER(S)/ACCUSED 2,3,&5:

1. **SABITH, AGED 23 YEARS,
S/O ABDUL RAHMAN, KAVUTHIYAL,
PARODE P.O, VADAKARA, KOZHIKODE DISTRICT.**
2. **ANAS, AGED 18 YEARS, S/O ALI,
THAYYULLATHIL HOUSE, PARODE P.O,
VADAKARA, KOZHIKODE DISTRICT.**
3. **SMEER, AGED 27 YEARS, S/O MOIDU,
KOROTH HOUSE, PARODE P.O,
VADAKARA, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE:

1. **STATE OF KERALA,
REPRESENTED BY PUBLIC PRSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
(CRIME NO. 96/15 OF NADAPURAM POLICE STATION,
KOZHIKODE DISTRICT)**
2. **STATION HOUSE OFFICER,
NADAPURAM POLICE STATION,
KOZHIKODE DISTRICT-673 504,
(CRIME NO. 96/15 OF NADAPURAM POLICE STATION,
KOZHIKODE DISTRICT)**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

P.BHAVADASAN, J.

B.A. No. 8021 of 2015

Dated this the 23rd day of December, 2015

ORDER

Petitioners are accused Nos. 6, 5 and 7 in Crime No.96/2015 of Nadapuram Police Station though they are shown as accused Nos. 2, 3 and 5 in the petition.

2. The petitioners would say that they are innocent and they have not committed any act as alleged and they have been falsely implicated. Further inspiration is drawn from the fact that initially, five accused were arrayed. Except for the first accused, others names now included were not there at the initial stage. Later on, the accused were substituted and new accused were introduced and the petitioners figure therein.

3. The learned Public Prosecutor opposed the petition and pointed out that it was an intentional attack using dangerous weapons and the wound certificate will speak for themselves.

4. After having heard the learned counsel for the petitioners and the learned Public Prosecutor and after having perused the records, considering the nature of allegations against the petitioners and the nature of injuries caused and the nature of weapons used, it is felt that it is not an appropriate case where the extraordinary jurisdiction of this Court needs to be exercised in favour of the petitioners.

However, if so advised, petitioners may surrender before the Investigating Officer on or before **11.01.2016** who after interrogation, shall produce them before the JFCM Court concerned. If the petitioners move an application for bail before the said court, the learned Magistrate shall consider and pass appropriate orders thereon in accordance with law, preferably on the date of surrender itself.

**P.BHAVADASAN
JUDGE**

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