

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Bail Appl..No.8974 of 2014

**CRIME NO.326/2014 OF PARIYARAM MEDICAL COLLEGE POLICE STATION,
KANNUR DISTRICT.**

...

PETITIONERS/ACCUSED NOS 4 & 5:

1. **PRAKASHAN MANHERIVEETIL,S/O.N.V.KRKSHNAN,
AGED 38 YEARS,SOUPARNIKA,CHIPPILE POYIL,
PARIYARAM,THALIPARAMBA,KANNUR DISTRICT.**
2. **RADHAKRISHNAN MANHERIVEETIL,
S/O.N.V.KRISHNAN,AGED 35 YEARS,
SOUPARNIKA,CHIPPILE POYIL,PARIYARAM,
THALIPARAMBA,KANNUR DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE & COMPLAINANT:

1. **THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM,KOCHI - 682 031.**
2. **THE SUB INSPECTOR OF POLICE,
PARIYARAM MEDICAL COLLEGE POLICE STATION,
KANNUR DISTRICT - 670 502.**

R1& R2 BY SRI.ASIF ALI FOR DGP

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B. KEMAL PASHA, J.

.....
B.A. No.8974 of 2014
.....

Dated this the 9th day of January, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.4 and 5 in Crime No.326/2014 of Pariyaram Medical College Police Station, Kannur, registered for the offences punishable under Sections 143, 147, 148, 506(ii), 447, 323, 324, 326, 307 and 302 read with Section 149 IPC.

3. The allegation against the petitioners and other accused is that on 13.05.2014 at 11 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and A1 to A3 initially attacked the *defacto complainant* and his son by committing trespass into the courtyard of the house of the *defacto complainant*. Severe injuries were inflicted on the *defacto complainant*, his son and his wife, in the course of which, the petitioners also

reached there and they also beat the *defacto complainant*. The son of the *defacto complainant* died on account of the injuries sustained in the incident. It seems that all the accused had left the place by making an exhortation that nobody would be left alive.

4. Heard the learned counsel for the petitioners and the learned DGP.

5. According to the learned counsel for the petitioners, there is no allegation that the petitioners have made use of any weapon to attack any of the persons and on the contrary, the only allegation is that they slapped the *defacto complainant* with their hands. Whatever it is, the common object is *prima facie* discernible from the facts and circumstances of the case and the prosecution records. It seems that the petitioners were also hand in gloves with the other accused in carrying out their plan. The learned DGP has pointed out that immediately after the incident, the petitioners vanished from the scene and thereafter, they

went abroad and have not cared to co-operate with the investigation. The investigation of this case is not over. Considering the seriousness of the allegations against the petitioners and the present stage of the investigation, I think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioners.

In the result, this bail application is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/09/01

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PA to Judge