

Aji Vs. the State of Kerala

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Court : Kerala

Decided On : Nov-05-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Aji

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE 5TH DAY OF NOVEMBER 2013 14TH KARTHIKA, 1935 Bail Appl..No. 7235 of 2013 ()
----- CRIME NO. 813/2013 OF SULTHAN BATHERY POLICE STATION, WAYANAD DISTRICT -----

PETITIONER/PETITIONER/ACCUSED: -----

1. AJI N.K., AGED 31 YEARS S/O KRISNAN, KOZHICKAL HOUSE, KUPPADI P.O. KARAKANDI, SULTHAN BATHERY, WAYANAD DT.

2. FRANKLIN, AGED 25 YEARS S/O BABY VARGHESE, PULIMOOTTIL HOUSE, BEENACHI P.O. SULTHAN BATHER, WAYANAD DT.

3. NAVS, AGED 26 YEARS S/O. MUHAMMED, THEKKEPPATTUMADATHIL HOUSE, POOMALA P.O. SULTHAN BATHERY, WAYANAD DT.

4. DHANOOP, AGED 24 YEARS S/O. JOSEPH, KALAPURAKKAL HOUSE, PAZHUPATHUR P.O. ARIVAYAL, SULTHAN BATHERY, WAYANAD DT.

5. AKHILDEV, AGED23YEARS S/O. PADMAKSHAN, THEKKEPARAMBATH HOUSE, POOMALA P.O. SULTHAN BATHERY, WAYANAD DT.

6. PRAVEEN, AGED24YEARS S/O. MOHANAN, AZHAKKATH HOUSE, POOMALA P.O. SULTHAN BATHERY, WAYANAD DT.

7. NIKHIL GEORGE, AGED24YEARS S/O GEORGE, THETTIKOTTUMOLATHATH HOUSE KIDANGANAD P.O., VADAKKANAD, SULTHAN BATHERY WAYANAD DT.

8. FASALSHA, AGED26YEARS S/O. HASSAN, KANAKKANATH HOUSE, AMBUKUTHY AMBALAVAYAL P.O., SULTHAN BATHERY, WAYANAD DT. BY ADV. SRI.A.V.JAMES ...2/- Bail Appl..No. 7235 of 2013 () -2- RESPONDENTS/RESPONDENTS/COMPLAINANT :

----- THE STATE OF KERALA REP. BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM REP. BY THE SUB INSPECTOR OF POLICE SULTHAN BATHERY POLICE STATION IN CRIME NO.813/2013. BY PUBLIC PROSECUTOR SMT. LALIZA T.Y. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0511-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn THOMAS P. JOSEPH, J.

----- Bail Appl. No.7235 of 2013
----- Dated this the 5th day of November 2013

ORDER

Petitioners are accused 1, 2 and 4 to 9, in Crime No. 813 of 2013 of the Sulthan Bathery Police station for the offences punishable under Secs.143, 147, 148, 324 and 326 read with Sec.149 of the Indian Penal Code, apprehend arrest and have filed this application for pre arrest bail.

2. Learned Public Prosecutor has submitted that on 04.09.2013 at about 7.30 p.m., the petitioners and others attacked the defacto complainant and others with iron rod, stones etc. causing fracture of the ulna. It is submitted that the petitioners are involved in Crime No.667 of 2012 for the offences under Secs.341, 323 and

324 while the 2nd petitioner is further involved in Crime No.853 of 2013, both of the same Police station, for similar offences. Final reports have been filed in the said cases. The weapons (allegedly) used in the incident are to be recovered.

3. Learned counsel submits that the defacto Bail Appl. No.7235 of 2013 2 complainant and others attacked the petitioner and others due to political animosity for which Crime No.812 of 2013 is registered for the offences under Secs.143, 147, 148, 341, 323 and 324 read with Sec.149 of the IPC and that after the defacto complainant and others got regular bail, the offence under Sec.326 is incorporated in that case.

4. Having regard to the circumstance of the case, I am not inclined to think that the petitioners should be granted an order for pre-arrest bail. Petitioners have either to surrender before the investigating officer or before the Court concerned and seek regular bail.

5. In case the petitioners surrender before the investigating officer, after questioning is over, they shall be produced before the jurisdictional magistrate as early as possible. The application is disposed of with the above directions. Sd/-
THOMAS P. JOSEPH JUDGE NS

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