

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 31ST JULY 2009 / 9TH SRAVANA 1931

Bail Appl..No. 4195 of 2009

CRIME NO.313/2009 OF THE ERAVIPURAM POLICE STATION, KOLLAM

PETITIONERS: ACCUSED 1, 2, 3, 4, 5, 6, 7 & 10:

1. SHAN, AGED 20 YEARS, S/O.RAHIM,
KUZHIAZHAKAM, MUKKAM, MAYYANADU, KOLLAM.
2. NAVAS & KANNAN, AGED 23 YEARS,
S/O.FAZIL, KUZHIAZHAKAM, MUKKAM, MAYYANADU,
KOLLAM.
3. SHIBU, AGED 24 YEARS, S/O.SIVAN,
KAVAZHIKAM, MUKKAM, MAYYANADU, KOLLAM.
4. MAHEEN, AGED 22 YEARS,
S/O.ABDUL SALAM, KALARIPURAYIDAM,
MUKKAM, MAYYANADU, KOLLAM.
5. SAJEER, AGED 22 YEARS,
S/O.ABDUL KAREEM, SHAJIRA MANZIL, KOLLAM.
6. NOUSHAD, AGED 22 YEARS,
S/O.MUHAMMED HANEEFA, POOVANTHAZHAKOM,
MUKKAM, MAYYANADU, KOLLAM.
7. SHANU, AGED 22 YEARS, S/O.AKBAR,
KOLAMANGALAM THODIYIL, MUKKAM,
MAYYANADU, KOLLAM.
8. VIMAL, AGED 25 YEARS,
S/O.DAVID, NEDIYAZHIKOM, MUKKAM,
MAYYANADU, KOLLAM.

BY ADV. SRI.C.RAJENDRAN

RESPONDENT: COMPLAINANT

STATE OF KERALA REPRESENTED BY
THE SUB INSPECTOR OF POLICE, ERAVIPURAM
POLICE STATION THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

PUBLIC PROSECUTOR SRI.I.V.PRAMOD

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31/07/2009, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J.

B.A. NO. 4195 OF 2009

Dated this the 31st July, 2009

ORDER

This is an application for anticipatory bail under Section 438 of the Code of Criminal Procedure. The petitioners are accused Nos.1 to 7 and 10 in Crime No.313 of 2009 of Eravipuram Police Station.

2. The offences alleged against the petitioners are under Sections 143, 147, 148, 308, 323 and 324 read with Section 149 of the Indian Penal Code and Section 27 of the Arms Act.

3. I have gone through the case diary and also noted the injuries sustained by the victims.

4. Taking into account the facts and circumstances of the case, I do not think that this is a fit case where anticipatory bail can be granted to the petitioners. The petitioners are not entitled to the discretionary relief under Section 438 of the Code of Criminal Procedure.

The Bail Application is accordingly dismissed.

(K.T.SANKARAN)
Judge

ahz/