

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

TUESDAY, THE 30TH DAY OF APRIL 2013/10TH VAISAKHA 1935

Bail Appl..No. 3079 of 2013 ()

**AGAINST THE ORDER/JUDGMENT IN CMP.1680/2013 of J.F.C.M, NEDUMKANDOM
DATED 11-04-2013
CRIME NO. 343/2013 OF NEDUMKANDAM POLICE STATION , IDUKKI**

APPLICANT/ACCUSED NO 1:

**ABDUL N.NASEEB AGED 22 YEARS
S/O.ABDUL K.NASAR, NASEEMA MANSIL, BLOCK NO 393
THOOKUPALAM KARA , PARATHODU VILLAGE, IDUKKI DISTRICT**

BY ADV. SRI.S.A.ANAND

RESPONDENT/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
NEDUMKANDOM POLICE STATION IDUKKI DISTRICT REPRESENTED
BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, KOCHI 682031**

R BY PUBLIC PROSECUTOR SRI. N. SURESH

**THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 30-04-2013,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

acd

P.D. RAJAN, J.

B.A.No.3079 of 2013

Dated this the 30th day of April, 2013

ORDER

Petitioner is the 1st accused in Crime No.343/2013 of Nedumkandam Police Station, Idukki, which is registered for the offences U/Ss. 143, 144, 147, 148, 307, 324, 427 r/w Section 149 IPC.

2. The prosecution case is that on 30.3.2013 at about 1 p.m., the accused formed themselves into an unlawful assembly and assaulted the defacto complainant with sword and stick at Chottupara-Pylikkanam road, as a result, he sustained serious injuries. Immediately, he was removed to hospital. On the basis of information, Nedumkandam Police registered the above crime against the petitioners. The petitioner was arrested on 10.4.2013 and remanded to judicial custody, his bail application was dismissed by the Judicial First Class Magistrate, Nedumkandam, hence, he approached this Court for bail.

3. Heard both sides. The learned counsel appearing for

the petitioner submits that he is ready to obey any condition imposed by this Court. He is innocent and falsely implicated in this case.

4. The learned Public Prosecutor submits that he is involved in several other crimes, such as Crime Nos.264/2008, 166/2008, 350/2008 and 666/2012 and if he is enlarged on bail, he will repeat the offence.

5. I have perused the case diary and report submitted by the learned Public Prosecutor. The case records show that the petitioner is involved in several other crimes, moreover, he is also undergoing trial in another case pending before Judicial First Class Magistrate's Court, Nedumkandam. The Circle Inspector of Police, Nedumkandam reported that if the petitioner is enlarged on bail at this stage, he will intimidate the witnesses and destroy the prosecution evidence. Accused Nos. 5 to 7 are not yet arrested and the weapon used by the accused also were not recovered. While granting bail on non-bailable offence, I am bound to consider the nature and gravity of the offence. Considering the peculiar circumstance, reasonable possibility of the presence of the petitioner during trial was also considered by me. It is pertinent to note that

the apprehension of the witnesses being tampered with and the larger interest of the public is very relevant. Analysing the totality of these circumstance, I took greater degree of care in enlarging the accused on bail. The alleged offences are very grave. Considering the nature and gravity of offence, I am of the opinion that if he is enlarged on bail at this stage, it will affect the investigation of the case. Hence, the bail application is dismissed.

P.D. RAJAN, JUDGE.

acd

