

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937**

**Bail Appl..No. 5254 of 2015**  
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**CRIME NO. 678/2014 OF KALPETTA POLICE STATION, WAYANAD**  
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**PETITIONER(S)/1ST ACCUSED :**  
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**V.M.MUJEEB RAHMAN, AGED 39 YEARS,  
S/O. MOOSA, VELUTHAPARAMBATHU HOUSE, KANIYAMBETTA,  
KAMBALAKKAD P.O., VYTHIRI, WAYANAD DISTRICT.**

**BY ADV. SRI.JESWIN P.VARGHESE**

**RESPONDENT(S)/COMPLAINANT/STATE :**  
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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

**BY PUBLIC PROSECUTOR SMT.R.REMA**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
30-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**msv/**

**A.HARIPRASAD, J.**

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**B.A. No.5254 of 2015**  
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**Dated this the 30<sup>th</sup> day of September, 2015**

**ORDER**

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.678 of 2014 of Kalpetta Police Station registered for offences punishable under Section 304 of the Indian Penal Code.

3. Heard both sides.

4. Plea of the petitioner for anticipatory bail was turned down by this Court as per order in B.A.No.1756 of 2015. Learned counsel for the petitioner submitted that there is a change of circumstance in this case. According to him, accused 2 and 3 are responsible for the conduct of the poultry farm from which one person suffered death by electrocution. But on perusal of the case diary, there are strong indications against the contentions raised by the petitioner. Therefore, prima facie I am not satisfied that the contention of the petitioner is sustainable at this stage of the matter. In the absence of any change of circumstance, it is trite law that anticipatory bail application cannot be filed in succession which may amount to an abuse of the process of court.

In the result, the bail application is dismissed.

**A. HARIPRASAD, JUDGE.**

**cks**