

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 31ST DAY OF JANUARY 2018 / 11TH MAGHA, 1939

Bail Appl..No. 447 of 2018

CRIME NO.1569/2017 OF WADAKKANCHERRY POLICE STATION, PALAKKAD

APPLICANTS/ACCUSED NOS. 3, 5 TO 8:

- 1 SHAMSU,
AGED 21 YEARS, S/O. IBRAHIMKUTTY,
OLD CHANTHAPURA, VADAKKENCHERRY,
PALAKKAD.
- 2 RAMSHAD,
AGED 21 YEARS, S/O. NIJAM,
OLD CHANTHAPURAM, VADAKKENCHERRY,
PALAKKAD.
- 3 DEEPAK,
AGED 19 YEARS, S/O. DIVAKARAN,
KUNNATH HOUSE, CHEKKINI,
PARUVASSERY, PALAKKAD.
- 4 SREENATH,
AGED 20 YEARS, S/O. SURENDRAN,
PANDATH HOUSE, THIRUVARA,
KIZHAKKENCEHRRY, PALAKKAD.
- 5 JINSHAD,
AGED 20 YEARS, S/O. NOUSHAD,
AMBATU PARAMBU, AMAKULAM,
VADAKKENCHERRY, PALAKKAD.

BY ADV.SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

BY PUBLIC PROSECUTOR SRI.C.K.PRASAD

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-01-2018,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

EL

RAJA VIJAYARAGHAVAN V, J.

B.A.No.447 of 2018

Dated this the 31st day of January, 2018

ORDER

- 1.This petition is filed under Section 438 of the Code of Criminal Procedure.
- 2.The petitioners herein are the accused Nos.3 and 5 to 8 in Crime No.1569 of 2017 of the Vadakkencherry Police Station, registered alleging offence punishable under Sections 143, 147, 148, 341, 323, 324, 448, 294(b), 506 and 308 read with Section 149 of the IPC.
- 3.The petitioners are students of the I.H.R.D College at Vadakkencherry. Intense rivalry prevailed among two student factions in the College. Allegation is that the petitioners herein along with the other accused trespassed into a room, where the rival faction was conducting a meeting, and assaulted them with iron rod and bamboo sticks causing injuries.
- 4.The learned counsel appearing for the petitioners submitted that the main overt acts are alleged against accused Nos.1, 2 and 4 and the petitioners herein, who had no role to play,

were roped in later. It is further submitted that a counter case was registered against the informant at the instance of one of the petitioners.

5.The learned Public Prosecutor very zealously opposed the prayer. After having inflicted very serious injuries on fellow students with weapons and that too within the college premises, the petitioners are not entitled to raise their young age and seek for leniency is in essence the submission advanced.

6.I have considered the submissions advanced and gone through the case diary. Specific allegations have been raised against the petitioners by the informant and the other victims. The petitioners have indiscriminately unleashed violence inside the campus premises and not less than four fellow students have sustained injuries. I find no reason to exercise the discretionary powers vested on this Court and grant an order of anticipatory bail to the petitioners.

7.The learned counsel prays that a direction be issued to enable the petitioners to surrender before the jurisdictional court. I do not see any need for issuance of any such

directions. The petitioners shall surrender as expeditiously as possible and if an application for bail is filed, the same shall be considered and orders shall be passed on its merits. This petition is dismissed.

**Sd/-
RAJA VIJAYARAGHAVAN V.,
JUDGE**

IAP //True Copy\\

P.A to Judge