

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K. HARIPAL

WEDNESDAY, THE 30<sup>TH</sup> DAY OF JUNE 2021 / 9TH ASHADHA, 1943

BAIL APPL. NO. 4926 OF 2021

CRIME NO. 493/2021 OF MUNNAR POLICE STATION, IDUKKI

PETITIONERS/ACCUSED 1 TO 3:

- 1 SIVA KUMAR  
AGED 22 YEARS  
S/O. MARIMUTHU,  
PEIYAVARI ESTATE,  
CHOLAMALA DIVISION,  
NALLATHANNI ESTATE,  
MUNNAR IDUKKI.
- 2 SANJAI,  
AGED 26 YEARS  
S/O. RAVI, NALLATHANNI ESTATE,  
WEST DIVISION, MUNNAR IDUKKI.
- 3 SUBASH  
AGED 32 YEARS  
S/O. UDAYASOORYAN, KANNIMALAI ESTATE,  
TOP DIVISION, MUNNAR IDUKKI.

BY ADVS.

V.S.SHIRAZ BAVA

S.NIDHEESH

RESPONDENT:

THE STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM 682 031.

BY SMT. SREEJA V., PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
30.06.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ORDER**

The petitioners are the accused Nos. 1 to 3 in Crime No. 493/2021 of Munnar Police Station, Idukki district, which was registered on the basis of an incident happened on 10.06.2021 at 4.45 P.M. The allegations are covered by Sections 341, 323, 324, 307, 506 read with 34 of the Indian Penal Code. Now they seek their bail under Section 438 of the Code of Criminal Procedure.

2. The learned counsel for the petitioners submits that in fact this is a counter case to Crime No. 499/2021 of Munnar Police Station, in which the petitioners have sustained injuries that Section 307 of the Indian Penal Code has been incorporated only to boost up the gravity of the offence; no such incident had happened; in fact it was the defacto complainant and others who had assaulted and injured the petitioners. He also took my attention to the Annexure 2, photographs whereby, it is evident that they had sustained grievous injuries in the occurrence.

3. The learned Public Prosecutor has strongly opposed the application. According to the learned Public Prosecutor, both the crimes cannot be taken as case and counter, the defacto complainant had sustained cut injuries, the petitioners had used knife and sticks to assail the defacto complainant and that the

petitioners have numerous criminal cases to their credit.

4. Having heard the learned counsel on both sides and taking into account the gravity of the offence and the nature of injuries sustained by the defacto complainant, I am not inclined to grant anticipatory bail to the petitioners. The application is only to be dismissed. Dismissed.

At this juncture, the learned counsel for the petitioners submits that the petitioners want to surrender before the Investigating Officer. In that event, their arrest, if any, recorded and further proceedings shall be conducted with utmost expedition.

Sd/-

**K. HARIPAL**

**JUDGE**

**DCS/05.07.2021**