

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.  
TUESDAY, THE 31ST DAY OF OCTOBER 2023 / 9TH KARTHIKA, 1945  
BAIL APPL. NO. 9196 OF 2023  
CRIME NO.2030/2023 OF NEDUMANGAD POLICE STATION,  
THIRUVANANTHAPURAM

**PETITIONER/ACCUSED:**

SHAJAHAN, AGED 50 YEARS  
S/O. HANEEFA, KAITHAYIL SUBAHI VEETIL,  
VEMBAYAM, KONCHIRA P.O., MANIKKAL VILLAGE,  
THIRUVANANTHAPURAM DISTRICT, PIN - 695615  
BY ADVS.  
M.A.AHAMMAD SAHEER  
E.A.HARIS  
MUHAMMED YASIL

**RESPONDENT/COMPLAINANT & STATE:**

STATE OF KERALA  
1 REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, PIN - 682031  
PRAKASH B.S. AGED 41 YEARS,  
S/O. BHUVANENDRAN, B.S. SADANAM,  
\*2 MEENANKAL ARYANAD VILLAGE,  
THIRUVANANTHAPURAM DISTRICT  
(IS IMPEADED AS ADDL.R2 AS PER ORDER IN  
CRL.M.A.NO.1/2023 DATED 31.10.2023) )  
BY ADV RAYJITH MARK

SMT.T.V.NEEMA, SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
27.10.2023, THE COURT ON 31.10.2023 DELIVERED THE FOLLOWING:

**MOHAMMED NIAS C.P., J.**

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B.A.No. 9196 of 2023  
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Dated this the 31<sup>st</sup> day of October, 2023

**ORDER**

This is an application filed under Section 439 of the Cr.P.C.  
Seeking regular bail.

2. The petitioner is the accused in Crime No.2030/2023 of Nedumanagad Police Station, Thiruvananthapuram District, alleging offences punishable under Sections 307, 324, 506(i) and 294(b) of the Indian Penal Code.

3. The prosecution allegation is that on 04/10/2023 at 12.30 p.m., due to enmity of questioning the act of the petitioner that he caught hold of the neck of the injured, in the verandah of the Judicial First Class Magistrate II, Nedumangad, the petitioner attacked the defacto complainant and the injured in front of the court canteen with an iron rod resulting in injuries, thereby

committing the offence.

4. The defacto complainant and the injured are practising lawyers of the Nedumangad courts and the petitioner had come to court in order to give evidence as CW3 in CC No. 153/2014 of the JFCM II, Nedumangad, in which the injured was the accused.

5. Heard the learned counsel for the petitioner, learned counsel appearing for the defacto complainant and learned Public Prosecutor.

6. Learned counsel for the petitioner submits that there was a scuffle between the police and the defacto complainant and that he had no role, as he came to the court premises to appear as a witness in a case where the injured was the accused.

7. The learned Public Prosecutor opposed the bail application and submitted that serious injuries had been caused to the head of the defacto complainant with an iron rod and that the assault was committed inside the court premises.

8. Learned counsel who appeared for the defacto complainant

also submitted that the defacto complainant was hit thrice on his head using an iron rod inside the Court premises.

9. Having considered the rival submissions and noticing the report filed by the investigating officer, the injuries caused using a weapon, the place of occurrence of the crime being inside the Court premises, the advocates who are the officers of the court being attacked, I am not inclined to grant bail to the petitioner, pending the investigation.

Accordingly, the bail application is dismissed.

Sd/-

**MOHAMMED NIAS C.P.**  
**JUDGE**

dlk/28.10.23

**APPENDIX OF BAIL APPL. 9196/2023**

**PETITIONER'S ANNEXURES**

Annexure A1	TRUE COPY OF THE FIR DATED 04.10.2023 IN CRIME NO. 2030/2023 OF NEDUMANGAD POLICE STATION
Annexure A2	THE TRUE COPY OF THE STATEMENT OF THE PETITIONER U/S.161 CRPC IN CC NO. 153/2014 ON THE FILES OF JFCM-II, NEDUMANGAD
Annexure A3	THE TRUE COPY OF THE E-COURT CASE STATUS IN CC NO. 153/2014 ON THE FILES OF JFCM-II, NEDUMANGAD