

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

THURSDAY, THE 6TH DAY OF OCTOBER 2022 / 14TH ASWINA, 1944

BAIL APPL. NO. 7334 OF 2022

PETITIONER/ACCUSED NO. 1 & 2:

- 1 SHAMNADH
AGED 25 YEARS
S/O MAHEEN, RESIDING AT KUNHIJANVILA VEEDU,
POZHIY00R, THIDUTHIDUPPANVILA, PIN - 695513
- 2 SAKKEER
AGED 27 YEARS
S/O BASHEER, MUNDAPLAVILA, LAKSHAM VEEDU,
VIZHINJAM, THIRUVANATHAPURAM, PIN - 695133
BY ADVS.
ACHUTH KYLAS
DEAGO JOHN K
R.MAHESH MENON
SREEDEVI KYLASANATH

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY STATION HOUSE OFFICER, POZHIY00R
POLICE STATION, THIRUVANANTHAPURAM, THROUGH PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN -
682031

OTHER PRESENT:

PP - SRI. M.C.ASHI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
06.10.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

VIJU ABRAHAM , J.

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Bail Appln. No. 7334 of 2022

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Dated this the 6th day of October, 2022

ORDER

This is application for anticipatory bail.

2. The Petitioners are arrayed as accused No.1 and 2 in Crime No.784/2022 of Pozhiyoor Police Station, Thiruvananthapuram District, alleging commission of offences punishable under Sections 143, 147, 148, 149, 294(b), 323, 324, 308, 506 of the Indian Penal Code.

3. The prosecution allegation is that accused 1 and 2 along with 10 others trespassed into the house of the defacto complainant and attacked him with weapons and sustained serious injuries on the defacto complainant as well as other persons along with the defacto complainant.

4. Petitioners submitted that they have been falsely implicated in the above said crime. In fact the complainant is a 2nd accused in Crime No. 628/2022 of Pozhiyoor Police Station based on a complaint filed by one Naisam. It is further submitted that

another crime was also registered based on a complaint preferred by the sister of said Naisam. The petitioners apprehend that they have been falsely implicated in the above said crime for the reason that they are the friends of Naisam.

5. The Learned public prosecutor seriously opposed the application for bail mainly contending that the defacto complainant and others are sustained serious injury in the alleged incident and the defacto complainant was attacked using weapons etc. It is also submitted that there were constant disputes between the defacto complainant and the petitioners and to avoid any law and order situations, police picketing has also been introduced in the said locality.

6. Considering the facts and circumstances of the case and seriousness of allegation, I am not inclined to grant anticipatory bail to the petitioners.

In the result, this application is dismissed. Accordingly, the petitioners shall surrender before the investigating officer in Crime No. 784/2022 of Pozhiyoor Police Station and subject themselves to interrogation. It is directed that in the event of arrest of the petitioners in Crime No. 784/2022 of Pozhiyoor Police Station, they shall be produced before the Jurisdictional Magistrate's Court on the very same day and if an application is moved with prior notice to

the learned Public Prosecutor, the same shall be considered and disposed of by the Jurisdictional Magistrate preferably on the same day.

**Sd/-
VIJU ABRAHAM
JUDGE**

sks/-