

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT:  
THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN  
TUESDAY, THE 5TH DAY OF MAY, 2020 / 15TH VAISAKHA, 1942

**B.A. TMP No. 297 / 2020**

Crime No: 2569/2019 of Kundara Police Station in Kollam District, pending as  
CC No: 292/2020 on the file of the Judicial First Class Magistrate  
Court-I, Kollam)

**Petitioner/Accused No 1 :**

Shakkeer Babu @ Chikku, S/o.Muhammed Babu,  
Aged 28 Years, Ashtamudi Poyka Melathil,  
Karikkuzhi, Perayam, Padappakkara,P.O.  
Kundara, Kollam-691503

By Adv. Sri. B.Mohan Lal.

**Respondents/complainants:**

1. State of Kerala, Rep. by the Public Prosecutor,  
High Court of Kerala, Ernakulam-682 031.
2. The Station House Officer, Kundara Police Station,  
Kundara P.O Kollam -691501

SRI. AJITH MURALI, PP  
SRI. SANTHOSH PETER, SR. PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05.05.2020,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J**

-----  
B.A.TMP.No.297 of 2020  
-----

Dated this the 5<sup>th</sup> day of May, 2020

**O R D E R**

This Bail Application filed under Section 439 of Criminal Procedure Code was heard through Video Conference.

2. Petitioner is the 1<sup>st</sup> accused in Crime No.2569 of 2019 of Kundara Police Station, Kollam District, which is now pending as C.C.No.292 of 2020 on the file of Judicial First Class Magistrate Court-I, Kollam. The above case is registered alleging offences punishable under Sections 143, 147, 148, 341, 294(b), 506(ii) read with Section 149 of the Indian Penal Code and under Section 27 of the Arms Act.

3.The prosecution case is that petitioner along with other accused formed themselves into an unlawful assembly with deadly weapons like sword on 10.11.2019, at 7.30 p.m., at Perayam. It is alleged that the accused wrongfully restrained the defacto complainant, shouted obscene words,

criminally intimidated to cause grievous hurt and thereby committed the offence.

4. The counsel for the petitioner submitted that the petitioner was arrested on 14.01.2020 and he may be released on bail imposing any condition. According to him, he is innocent.

5. The learned Public Prosecutor submitted that the petitioner is not entitled to bail. He violated the bail conditions and hence he was arrested again.

6. After hearing both sides, according to me, this is not a fit case, in which the bail can be granted. The petitioner was granted bail by the court below earlier. Thereafter, the petitioner involved in other crimes and in violation of the bail condition. Accordingly, an application was filed for cancellation of bail and the learned Magistrate cancelled the bail granted to the petitioner. The order of the Magistrate is in force. It is conceded before me that, the cancellation order is not challenged. In such circumstances, I am not in a position to consider this bail application. At this

stage, the counsel for the petitioner submitted that he may be allowed to challenge the bail cancellation order.

Hence this bail application is dismissed with liberty to the petitioner to challenge the order cancelling his bail,if he is advised for.

**P.V.KUNHIKRISHNAN, JUDGE**

YKB