

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

Bail Appl..No. 188 of 2015

CRIME NO. 1086/2014 OF VADAKKEKKAD POLICE STATION, TRISSUR DISTRICT.
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PETITIONER/1ST ACCUSED:

**ASHRAF, S/O.KUNJUBAVA,
UKKAYIL HOUSE, SOUTH PUNNAYUR,
THRISSUR DISTRICT.**

BY ADV. SMT.K.NANDINI

RESPONDENT/COMPLAINANT:

**STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
VADAKKEKKAD POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B. KEMAL PASHA, J.

B.A.No.188 OF 2015

Dated this the 19th day of January, 2015

O R D E R

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Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the 1<sup>st</sup> accused in Crime No.1086 of 2014 of Vadakkekad Police Station registered for the offences punishable under Sections 452, 324 and 326 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that on 25.09.2014 at about 02.00 p.m., he along with the other accused committed house trespass into the house of the de facto complainant out of their previous enmity towards the de facto complainant, and thereafter petitioner and A3 beat the de facto complainant with iron pipes thereby causing the fracture of bones of his both hands and the second accused inflicted cuts on the head of the de facto complainant repeatedly thereby inflicting very serious injuries.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. The contents of the CD, prima facie, reveal the complicity of the petitioner. Investigation of the case is not over. It seems that the de facto complainant has sustained very serious injuries including 3 bleeding incised wounds on his head on different portions, a fracture at the 1/3 Rt of ulna and fracture of the head of the 5<sup>th</sup> meta carpel bone of the left hand. The allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner and the present stage of investigation, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this Bail Application is dismissed.

**sd/-**

**B.KEMAL PASHA, JUDGE.**

ps/19/1/2015

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PA to Judge