

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

Bail Appl..No. 1773 of 2015 ()

CRIME NO. 1935/2014 OF KADAKKAL POLICE STATION, KOLLAM DISTRICT

PETITIONERS/ACCUSED NOS. 2 & 5 :

- 1. LAIJU V.L., AGED 24 YEARS,
S/O.VIJAYAKUMAR, KADAMPATTU VEEDU, SHANKARAPURAM
KOTTUKAL PO, KOLLAM DISTRICT.**
- 2. PRASANTH T.P., AGED 23 YEARS,
S/O.S.PREMACHANDRAN, KATTIKKAL THEKKATHIL VEEDU
EZHIYAM P.O., ANCHAL, KOLLAM DISTRICT - 691 306.**

**BY ADVS.SRI.C.RAJENDRAN
SRI.K.R.RANJITH
SMT.R.S.SREEVIDYA**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

B.A. No.1773 of 2015

Dated this the 2nd day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 143, 147, 148, 341, 323, 324, 506 (2), 326 and 308 read with Section 149 of the Indian Penal Code.

3. The prosecution case is that they along with the co-accused assaulted the victim with a sword and iron rod causing fracture of his skull.

4. Heard.

5. The wound certificate shows that the victim sustained depressed fracture of the right parietal bone. This makes probable the prosecution case that the attack was with a heavy weapon like a sword. The sword is a weapon which cannot be easily concealed. So all the accused knew that the accused concerned was armed with a sword. This is not a fit case to invoke the jurisdiction of this court under section 438 Cr.P.C.

In the result, this application is dismissed.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

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PA to Judge