

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYAISHTA, 19372

Bail Appl..No. 2055 of 2015 ()

CRIME NO. 139/2015 OF ENATHU POLICE STATION,PATHANAMTHITTA DISTRICT

PETITIONER/ACCUSED:

**BAINU BABY, AGED 27 YEARS,
S/O.LATE BABY, BAIJU BHAVAN, PAZHAKULAM P.O.,
PAZHAKULAM KIZHAKETHU MURI, PERINGANADU VILLAGE,
ADOOR TALUK, PATHANAMTHITTA.**

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENT/COMPLAINT:

**STATE, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K. ABRAHAM MATHEW, J.

.....
B.A. No. 2055 of 2015
.....

Dated this the 25th day of May, 2015

ORDER

Petitioner is the accused in Crime No. 139 of 2015 of Enathu Police Station registered for the offences under sections 294(b), 326 and 506(1) of IPC. The accusation is that at the market the petitioner uttered obscene words threatened to cause the death of the victim and assaulted him with a stone causing several injuries including fracture of the bone.

2. Heard

3. Learned counsel submits that the place of occurrence admittedly is his shop room. The victim and the petitioner have shop rooms in the same locality. There is business competition between them. First Information Statement indicates that the petition provoked the victim who rushed to the petitioner's shop room. It is stated that the petitioner caught hold of the victim and dragged him into the shop room of the former and assaulted him with a stone. The victim sustained fracture of the skull and other injuries on the head. *Prima facie*, the prosecution allegation appears to be true. It was the provocation given by the petitioner

which paved the way for the incident. The weapon has so far not been recovered. If the petitioner is granted anticipatory bail, recovery will become impossible. So I am not inclined to grant anticipatory bail.

In the result, this application is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

DST

//True Copy//

P.A. o Judge