

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

Bail Appl.No. 2608 of 2015

CRIME NO. 169/2015 OF CHERPULASSERY POLICE STATION, PALAKKAD
.....

PETITIONER(S)/3RD ACCUSED:

**SAMEEMUL HASSAN K., AGED 21 YEARS,
S/O.HASSAN, KONGASSERY HOUSE, VALLAPUZHA,
PALAKKAD DISTRICT.**

BY ADV. SRI.P.JAYARAM

RESPONDENT(S):

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
16-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K.ABRAHAM MATHEW, J.

B.A.No.2608 of 2015

Dated this the 16th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 3rd accused in Crime No.169 of 2015 of Cherpulassery Police Station. He is alleged to have committed the offences under Sections 323, 324, 326 and 341 read with Section 34 IPC.

3. The prosecution case is that he along with co-accused wrongfully restrained the victim and assaulted him with hands and stone as a result of which he lost one of his eyes which was an artificial one.

4. Heard.

5. Learned counsel submits that the victim had no vision even before the incident. There is no evidence to support it. The second submission of the learned counsel is that the petitioner is a student. That is true. But knowing fully well that the victim had an artificial eye he hit him in that artificial eye with a stone. There is no doubt that the victim suffered a lot for more than three weeks. The petitioner exhibited utmost cruelty in assaulting the victim. Merely because he is a student he cannot be granted anticipatory bail.

In the result, this application is dismissed.

Sd/-
K.ABRAHAM MATHEW
JUDGE

cms

/True copy/

P.S.to Judge