

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

Bail Appl..No. 2609 of 2015

CRIME NO.701/2015 OF CHERTHALA POLICE STATION, ALAPPUZHA DISTRICT

PETITIONER(S)/1ST ACCUSED :

**SHIBU, AGED 38 YEARS,
S/O.PURUSHAN, HARTHUVELI (NIKARTHIL), CMC-10,
CHERTHALA.**

**BY ADVS.SRI.DIPU.R
SMT. DHANYA BABU
SMT.P.APRIYA**

RESPONDENT(S)/COMPLAINANT & STATE :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN- 682 031.**
- 2. SUB INSPECTOR OF POLICE,
CHERTHALA POLICE STATION, ALAPPUZHA- 688 524.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 22-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

.....
B.A. No.2609 of 2015 (A)
.....

Dated this the 22nd day of May, 2015

ORDER

The petitioner, who is the first accused, along with co-accused is said to have committed the offences under sections 294(b), 323, 326, 354, 447 r/w. 34 of IPC. The allegation is that the offenders destroyed the boundary wall separating the properties of the first accused and the victim and trespassed into her property and assaulted her with a hammer causing fracture of her bone.

2. Heard

3. A perusal of the order passed by the Sessions Judge shows that the petitioner was involved in another case, Crime No. 1802 of 2013 of Cherthala Police Station, registered for the offences under sections 427 and 436 IPC. The victim, who is a woman, has sustained fracture of a bone. The weapon is a hammer. It is not yet recovered. The co-accused is absconding. There is no justification for

B.A. No.2609 of 2015 (A)

::2::

invoking the jurisdiction of this Court under
section 438 Cr.P.C.

In the result, this application is dismissed.

Sd/-

**K. ABRAHAM MATHEW
JUDGE**

DST

//True Copy//

P.A. o Judge