

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW**

**TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYASHTA, 1937**

**Bail Appl..No. 2673 of 2015 ()**

**CRIME NO. 344/2015 OF KODAKARA POLICE STATION,  
TRISSUR DISTRICT**

**PETITIONERS/ACCUSED NOS 1 TO 3 :**

- 1. PRABHAKARAN, AGED 70 YEARS,  
S/O.MAANI, PUTHUSSERY HOUSE,  
KODAKARA DESOM, THRISSUR DIST**
- 2. BHUSHAN, AGED 27 YEARS,  
S/O.PRABHAKARAN, PUTHUSERY HOUSE,  
KODAKARA DESOM, THRISSUR DIST**
- 3. THEJESH PRASAD, AGED 38 YEARS,  
S/O.VELAYUDHAN, KALACHIRA HOUSE,  
LOKAMALESWARAM DESOM, THRISSUR DIST**

**BY ADV. SRI.M.T.SURESHKUMAR**

**RESPONDENT/COMPLAINANT :**

- 1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM 682031**

**ADDL. R2 IMPEADED :**

- 2. BALAKRISHNAN, AGED 52 YEARS,S/O. KUTTAPPAN,  
THAYYIL HOUSE, PUDUKULANGARA DESOM,  
KODAKARA VILLAGE MUKUNDAPURAM TALUK,  
THRISSUR DISTRICT.**

**ADDL. R2 IS IMPEADED AS PER ORDER DT. 16/6/2015 IN CRL.M.A.  
NO. 4807/2015 IN BA NO. 2673/2015**

**R1 BY PUBLIC PROSECUTOR SMT. R. REMA  
ADDL.R2 BY ADV. SRI.G.SREEKUMAR (CHELUR)  
BY ADV. SRI.N.L.BITTO**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 16-06-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**bp**

**K. ABRAHAM MATHEW, J.**

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**B.A. No.2673 of 2015**  
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**Dated this the 16<sup>th</sup> day of June, 2015**

**ORDER**

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 341, 323, 324, 447, 326 read with Section 34 of Indian Penal Code.

3. The prosecution case is that they assaulted the victim on the head with a piece of granite causing him serious injuries.

4. Heard.

5. The learned counsel for the petitioners submitted that the first petitioner is 70 year old man and he is bed ridden and the allegation against him is absolutely false. A report was called for from the investigating officer he himself went there only to see the first petitioner standing in his house. On seeing the police officer he rushed to his room and lay down on his cot. The statements of the neighbours also indicate that he had no illness and he used to work in his property. The first

informant sustained fracture of the right parietal bone. This probabalised the prosecution version that he was assaulted with a piece of granite. This is not a fit case to grant anticipatory bail.

In the result, this application is dismissed.

sd/-  
**K. ABRAHAM MATHEW**  
**JUDGE**

R.AV

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PA to Judge