

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. 2981 of 2015

CRIME NO. 377/2015 OF AYROOR POLICE STATION, THIRUVANANTHAPURAM DISTRICT.
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PETITIONER/1ST ACCUSED:

NIHAS @ KANNAN, AGED 21 YEARS,
S/O.NEJKAD, VALIYAMALEPPURAM,
EDAVA P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.BLAZE K.JOSE

RESPONDENT(S)/COMPLAINANTS:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031.
2. SUB INSPECTOR OF POLICE,
AYROOR POLICE STATION, PIN - 695120.

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:

mbr/

K. ABRAHAM MATHEW, J.

Bail Appl. No.2981 of 2015

Dated this the 2nd day of June 2015

ORDER

Petition filed under Sec.438 Cr.P.C.

2. The petitioner apprehends that he will be arrested by the Police on the allegation that he assaulted the victim with a sword causing serious injuries to him. The case has been registered for the offences under Secs.294(b), 341, 323 and 308 read with Sec.34 of Indian Penal Code.

3. Heard both sides.

4. Learned counsel for the petitioner submits that the prosecution version is not true. The victim sustained an injury on the right palm which indicates that he was assaulted with a sword and he sustained the injury when the assault was warded off. The prosecution case that the petitioner assaulted the victim with a sword prima facie appears to be true. He is involved in another criminal case also. It has been registered for the offence under Sec.332 of IPC. He does not deserve to get an order under Sec.438 Cr.P.C.

In the result, this bail application is dismissed.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge