

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Bail Appl..No. 3587 of 2015

CRIME NO. 780/2015 OF ERNAKULAM TOWN NORTH POLICE STATION

PETITIONER(S)/1ST ACCUSED :

**V.A.AUGUSTINE, AGED 63 YEARS,
S/O.LATE ALEXANDER, VALAKKAKATH HOUSE, VADUTHALA P.O.,
COCHIN-23.**

BY ADV. SRI.R.DIVAKARAN

RESPONDENT(S)/STATE :

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
ERNAKULAM, TOWN NORTH POLICE STATION,
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 25-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

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B.A.No. 3587 of 2015

Dated this the 25th day of June, 2015

O R D E R

Petition filed under Section 439 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Sections 294(b), 341, 323 and 307 of IPC. The prosecution case is that the co-accused wrongfully restrained the victim and the petitioner stabbed him with a knife, causing injuries on his left ulna.

3. Heard.

4. The injuries sustained by the petitioner probablise the prosecution case that he was assaulted with a sharp edged weapon like knife. It is true that the injury was not on any vital part of the body. But, Learned Public Prosecutor submits that recovery has not been effected and so anticipatory bail may not be granted. Since, recovery may be impossible if anticipatory bail is granted. I am not inclined to grant the prayer.

In the result, this application is dismissed. Learned counsel submits that the petitioner will surrender before the Investigating

B.A.No. 3587 of 2015

::2::

Officer and will co-operate with investigation. He may do so, if he is so advised.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge