

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

Bail Appl..No. 4357 of 2015 ()

(CRIME NO. 780/2015 OF ERNAKULAM NORTH POLICE STATION , ERNAKULAM)

PETITIONER(S)/1ST ACCUSED:

**V.A.AUGUSTINE,
S/O.LATE ALEXANDER,
AGED 63 YEARS, 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 PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, COCHIN 31.**

BY PUBLIC PROSECUTOR SMT.REMA.R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

vmr.

SUNIL THOMAS, J.

B.A. No.4357 OF 2015

Dated this the 27th day of July, 2015

O R D E R

This is the second pre-arrest bail application filed by the first accused in Crime No.780/2015 of the Ernakulam Town North Police Station for offences punishable under Sections 294(b), 341,323 and 307 of IPC.

2. The prosecution alleged that the petitioner herein along with the two other persons attacked the defacto complainant and the petitioner stabbed him using a knife allegedly carried on by him. The earlier bail application filed as B.A.No.3587/2015 was dismissed by this Court by order dated 25/6/2015.

3. The present bail application is laid by the first accused on the ground that there has been a change of circumstance, after the dismissal of the earlier bail application. According to the counsel, subsequent to the dismissal of the earlier application, the weapon has been recovered. It is further contended that the earlier application was dismissed on the premise that the weapon has not been recovered.

4. The learned public prosecutor, on instructions, submitted that she has been instructed that the recovery has not been

effected. If that be so, there cannot be any change of circumstance for granting pre-arrest bail to the petitioner. Consequently, this petition is dismissed.

Sd/-

SUNIL THOMAS
Judge

dpk

/true copy/ PS to Judge.

