

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

Bail Appl..No. 4475 of 2015 (D)

**AGAINST THE ORDER/JUDGMENT IN CRMP 1740/2015 of D.C. & SESSIONS
COURT,KOLLAM DATED 13.07.2015
CRIME NO. 1228/2015 OF CHAVARA POLICE STATION , KOLLAM**

PETITIONER/IST ACCUSED:

**REJIKRISHNAN @ PACHI, AGED 29 YEARS,
S/O RADHAKRISHNA PILLAI, KOKKALATHU VADAKKATHIL,
KOIVILA P.O., PUTHENSANKETHAM, KOLLAM DISTRICT,
PIN:691583.**

BY ADV. SRI.Y.JAFAR KHAN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE
CHAVARA POLICE STATION, KOLLAM DISTRICT, PIN:676306.**

BY PUBLIC PROSECUTOR, SMT. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

DST

K. ABRAHAM MATHEW, J.

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B.A.No. 4475 of 2015

Dated this the 31st day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner along with the co-accused is said to have committed the offences under Sections 324,326, 449, 459 and 308 read with Section 34 of the Indian Penal Code. The prosecution case is that at about 9.00 in the night, on the date of occurrence, they trespassed into the victim's house and assaulted him with a dangerous weapon causing fracture of his skull and other injuries.

3. Heard.

4. Learned counsel submits that this is a case of mistaken identity and the petitioner was not involved in the incident. I have perused the First Information Statement. There is no mention about the identity of the assailants. But the statement of a witness shows that just before the incident, the petitioner along with another person went to his house in search of the victim under the mistaken impression that it was the victim's house.

The involvement of the petitioner is very clear from the statement of this witness. The victim sustained undisplaced fracture of frontal bone, apart from some other injuries. The injury makes probable the version of the first informant that the attack was with a dangerous weapon. This is not a fit case to grant anticipatory bail.

In the result, this application is dismissed. Learned counsel submits that the petitioner will surrender before the Investigating Officer. He may do so if he is so advised.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

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P.A. To Judge