

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Bail Appl..No. 4899 of 2015 ()

CRIME NO. 493/2015 OF MAYYIL POLICE STATION, THALASSERY, KANNUR DISTRICT

PETITIONER/ACCUSED NO.1:

P.ISHAQUE,
S/O.HASHIM K.N.,AGED 23 YEARS,
PARETH HOUSE, PAMBURUTHI,
NARATH, KANNUR.

BY ADV. SRI.C.K.SREEJITH

RESPONDENT/COMPLAINANT:

THE STATE OF KERALA
THROUGH STATION HOUSE OFFICER, MAYYIL POLICE STATION,
THALASSERY, KANNUR DISTRICT,
REP BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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K. ABRAHAM MATHEW, J.

B.A. No.4899 of 2015

Dated this the 18th day of August 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.493 of 2015 of Mayyil Police station registered for the offences under Secs.308, 323, 324 and 341 read with Sec.34 of the Indian Penal Code. The prosecution case is that he along with the co-accused assaulted the victim with an iron rod causing injuries on his head.

3. Heard both sides.

4. It is seen from the First Information Statement that at about 1.00 a.m. in the night on the date of occurrence, the petitioner along with the co-accused went to the house of the victim and took the victim's brother out of the house and assaulted him and on seeing the assault, the victim also went to the spot and then, the co-accused restrained him and the petitioner hit him on the head with the iron rod. It is also seen from the wound certificate that the victim sustained a wound in the right

frontal region which shows that the assault was on the head.

5. Learned counsel submits that one of the co-accused has been granted anticipatory bail by the Sessions Court.

6. That will not entitle the petitioner to anticipatory bail. This is not a fit case to grant anticipatory bail to the petitioner.

In the result, the bail 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

/ True Copy /

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P.A. To Judge