

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW**

**FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H**

**Bail Appl..No. 4997 of 2015 ()**

**CRIME NO. 294/2015 OF MUKKAM POLICE STATION, KOZHIKODE.**

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**PETITIONER/ACCUSED:**

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- 1. ABDUL NAFIH, S/O.YOONUS ELEDATH,  
AGED 20 YEARS, ELEDATH HOUSE,  
KUTTYPARAMBA, POST KUMARANALLUR,  
MUKKAM, PIN-673 602, KOZHIKODE DISTRICT.**
- 2. SALMANUL FARIS, S/O.SHAHUL HAMEED,  
AGED 19 YEARS, KUZHIKANDATHIL HOUSE,  
POST KUMARANALLUR, MUKKAM, PIN-673 602,  
KOZHIKODE DISTRICT.**

**BY ADVS.SRI.C.M.MOHAMMED IQUABAL,  
SMT.ANJALI G.KRISHNAN.**

**RESPONDENT/STATE:**

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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 21-08-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**rs.**

**K. ABRAHAM MATHEW, J.**

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**B.A. No.4997 of 2015**  
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**Dated this the 21<sup>st</sup> day of August 2015**

**O R D E R**

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.294 of of 2015 of Mukkam Police station registered for the offences under Secs.308, 323, 324, 326 and 341 read with Sec.34 of the Indian Penal Code. The prosecution case is that they along with accused nos.3 and 4 wrongfully restrained the victim and assaulted him with an iron rod causing fracture of his right patella.

3. Heard both sides.

4. The facts of the case indicate that the incident was a preplanned one. When the 2<sup>nd</sup> petitioner and accused nos.3 and 4 restrained the victim, the 1<sup>st</sup> petitioner assaulted him with an iron rod causing him fracture of the right patella. I do not find any justification for granting anticipatory bail.

In the result, the bail application is dismissed.

Sd/-  
**K. ABRAHAM MATHEW**  
**JUDGE**  
/ True Copy /

