

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 7155 of 2015

CRIME NO. 665/2015 OF POTHUKALLU POLICE STATION, MALAPPURAM DISTRICT.
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PETITIONER/1ST ACCUSED:

**KRISHNAN, S/O.CHAMI, AGED 42 YEARS,
KANDUKANDATHIL HOUSE, BOOTHANAM P.O.,
NILAMBUR TALUK, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN
SRI.JITHIN LUKOSE**

RESPONDENT/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
(CRIME NO.665/2015 OF POTHUKALLU POLICE STATION).**

BY PUBLIC PROSECUTOR SRI.K.K.RAJEEV

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K.P. JYOTHINDRANATH, J.

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B.A.No. 7155 of 2015

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Dated this the 2nd day of December, 2015

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure. When the application came up for hearing, the counsel for the petitioner submitted that here is a case where the petitioner is innocent of the allegations made against him. Petitioner is now arrayed as the 1st accused in Crime No. 665 of 2015 of Pothukallu Police Station. The offences alleged are under Section 448, 341 and 326 read with Section 34 of Indian Penal Code. It is also the submission made before court that no loss of eye sight caused to the petitioner, but an offence under Section 326 is incorporated in the crime. It is also the submission that the case posted for the report of the Prosecutor regarding the same.

2. I heard the learned Public Prosecutor.

3. Prosecutor submitted before me that case dairy is

available where in there is the wound certificate of the victim. It indicates that there is a fracture sustained to the orbit area of the victim. The offence committed by house trespass.

4. After considering the nature of injury, the fracture sustained to the skull, I feel that this is not a fit case, where the extra ordinary jurisdiction vested upon this court can be invoked.

Thus, considering the totality including the nature of the offence, I feel that this is not a fit case where anticipatory bail can be granted. Hence, the anticipatory bail application is dismissed.

Sd/-

K.P.JYOTHINDRANATH
JUDGE

skr

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PA to Judge