

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

Bail Appl..No. 7234 of 2015

CRIME NO. 1243/2015 OF ALATHUR POLICE STATION, PALAKKAD

APPLICANT/ACCUSED:

**NASSER, AGED 43 YEARS,
S/O.AHAMMED, VADAKKENADA, KAVASSERY,
ALATHUR, PALAKKAD.**

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.V.C.SARATH
SRI.THOMAS J.ANAKKALLUNKAL**

RESPONDENT/COMPLAINANT:

**1. STATE OF KERALA,
REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

*** ADDL.R2 IMPEADED**

**2. SAKKEER HUSSAIN, AGED 49 YEARS,
S/O.HANEEFA, M.K.HOUSE, VADAKKENADA,
KAVASSERY P.O., PALAKKAD DISTRICT.**

**ADDL.R2 IMPEADED AS PER ORDER DATED 25/11/2015 IN
CRL.MA.0933/2015**

**R1 BY PUBLIC PROSECUTOR SMT.R.REMA
R2 BY ADV. SRI.NIREESH MATHEW**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A. HARIPRASAD, J.

Bail Appl. No.7234 of 2015

Dated this the 25th day of November 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the accused in Crime No.1223 of 2015 of Alathur Police station registered for the offences punishable under Secs.447, 341, 324, 326, 307 and 506(i) of the Indian Penal Code. Prosecution case in short is that on 03.11.2015 at about 1.00 p.m., the petitioner trespassed into the shop of the defacto complainant and assaulted him with an iron rod. He sustained grievous injuries and was taken to hospital. Wound certificate of the defacto complainant shows that he sustained very grave injuries on head.

3. Heard the learned senior counsel for the petitioner, counsel for the defacto complainant and the learned Public Prosecutor.

4. Learned counsel for the defacto complainant opposed the bail application contending that subsequent to the filing of this bail application, the petitioner

trespassed into his house, threatened him and damaged the window panes. The same police registered Crime No.1297 of 2015 in connection with this incident.

5. Learned senior counsel contended that the defacto complainant and his men attacked the petitioner on 22.11.2015 and in that incident, Crime No.1301 of 2015 is registered by the same Police under Secs.448, 427, 324 and 506(i) read with Sec.34 of IPC. The wife of the petitioner sustained injuries in the incident.

6. Learned counsel for the defacto complainant submitted that this is a false case.

Considering the nature of injuries and the manner in which it was perpetrated, I am not inclined to grant pre arrest bail to the petitioner. In the result, the bail application is dismissed.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/25/11/2015

P.A. To Judge