

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Bail Appl..No. 381 of 2015

CRIME NO. 16/2015 OF CHALISSERY POLICE STATION, THRISSUR DISTRICT.
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PETITIONER(S)/ACCUSED:

- 1. SULAIMAN, AGED 27 YEARS,
S/O. SIDHI, KOCHUPARAMBIL HOUSE,
CHAZHIYATTIRI P.O., PERINGODE,
THIRUMITTAKODE VILLAGE.**
- 2. SHAKEER @ SHAKEEM, AGED 25 YEARS,
S/O. MUHAMMED, CHAZHIYATTIRI,
PEEDIKAYIL HOUSE, CHAZHIYATTIRI,
P.O. PERINGODE, THIRUMITTAKODE VILLAGE.**

**BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH**

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSEUCTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

B.A.No.381 of 2015 C

Dated this the 4th day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.16/15 of Chalissery Police Station, Thrissur district registered for the offences punishable under Sections 341, 323 and 308 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that, on 3.1.2015 at 8.00 p.m., the second petitioner caught hold of the de-facto complainant and slapped him and first petitioner beat the de-facto complainant with an iron rod aimed at his head, which was ward off by the de-facto complainant, thereby he sustained an injury to his left arm.

4. Heard the learned counsel for the petitioners and the

learned Public Prosecutor.

5. The only non-bailable offence alleged against the petitioners, is one under Section 308 of the Indian Penal Code. On going through the contents of the C.D. and the contents of the wound certificate, which finds a place among the records of the C.D., I do not think that the ingredients to constitute an offence under Section 308 of the Indian Penal Code are not made out in the crime. It seems that the investigation of this case is practically over. The custodial interrogation of the petitioners is not required for the continued investigation of this case. Considering the facts and circumstances of the case and the present stage of investigation, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two

solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays, commencing from 11.2.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA,
JUDGE

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// TRUE COPY //

PA to Judge