

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Bail Appl..No. 447 of 2015

CRIME NO. 47/2015 OF ALATHUR POLICE STATION , PALAKKAD DISTRICT

APPLICANTS/ACCUSED NOS. 2 AND 3 :

- 1. ALI, AGED 47 YEARS,
S/O.USSANAR, CHETTIYARKULAMBU, MATTUMALA,
VAVULYAPURAM, THONIPADAM, PALAKKAD.**
- 2. ASIYA, AGED 45 YEARS,
W/O.ALI, CHETTIYARKULAMBU, MATTUMALA,
VAVULYAPURAM, THONIPADAM, PALAKKAD**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-01-2015,
ALONG WITH B.A.NO.448/2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

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B.A. Nos.447 & 448 of 2015

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Dated this the 30th day of January, 2015

ORDER

B.A.No.448 of 2014 is filed under Section 439 Cr.P.C. by the 1st accused and B.A.No.447 of 2015 is filed under Section 438 Cr.P.C. by the 2nd and 3rd accused in Crime No. 47 of 2015 of the Alathur Police Station, Palakkad District, registered for the offences punishable under Sections 341, 324, 506(ii) and 308 read with Section 34 of the Indian Penal Code.

2. It is alleged that the 1st accused used to pass through the property of the defacto complainant for meeting the daughter of one of his relatives. On 10.01.2015 at 10.30 a.m. when the 1st accused passed through the property of the defacto complainant, he obstructed it and at that time the 1st accused along with his parents, who are the 2nd and

3rd accused, attacked the defacto complainant. It is alleged that the 1st accused inflicted a cut on the hand of the defacto complainant with a chopper and the 2nd and the 3rd accused beat him with wooden sticks. The 1st accused has been in custody for the period from 12.01.2015 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor.

5. No criminal antecedents have been reported against the petitioners. It seems that the 1st accused has also sustained some injuries in the incident. The contents of the CD reveal that the investigation of this case is practically over. The continued detention of the 1st accused in custody is not required for the continued investigation of this case. Similarly, on going through the facts and circumstances of the case, I do not think that the custodial interrogation of the 2nd and the 3rd accused is not required for the continued investigation of this case. Matters being so, having regard to the period undergone by the 1st accused in custody and

the present stage of the investigation and the absence of any criminal antecedents on his part, I am of the view that the 1st accused can be enlarged on bail on conditions. Similarly, I am satisfied that the discretionary relief of anticipatory bail can be granted to the 2nd and 3rd accused.

In the result, these Bail Applications are allowed and the 1st accused shall be enlarged on bail on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The 1st accused shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 06.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The 1st accused shall not tamper with the evidence or influence witnesses.

(iii) The 1st accused shall make himself available for interrogation as and when required by the Investigating Officer.

(iv) The 1st accused 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.

Similarly, the investigating officer or such other police officer, who is conducting the arrest of the 2nd and 3rd accused, is directed to enlarge the 2nd and 3rd accused 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 for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The 2nd and 3rd accused shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Fridays and Tuesdays commencing from 06.02.2015 for a period of three

months or till the filing of the final report in this case, whichever is earlier.

(ii) The 2nd and 3rd accused shall not tamper with the evidence or influence witnesses.

(iii) The 2nd and 3rd accused shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The 2nd and 3rd accused 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

DSV/30/1/15

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PA to Judge