

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

Bail Appl..No.463 of 2015

(CRIME NO.49/2015 OF POOVAR POLICE STATION,THIRUVANANDAPURAM).

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PETITIONERS/ACCUSED 2 & 3:

- 1. NAZER,AGED 40 YEARS,S/O.NOOHU KANNU,
THAIKKOOTTAM,POOVAR DESOM,
POOVAR VILLAGE,NEYATTINKARA TALUK,
THIRUVANANTHAPURAM DISTRICT.**
- 2. IBRAHIM,AGED 32 YEARS,S/O.MOHAMMED ABDUL KHADER,
THEKKE THERUVE VEEDU,POOVAR P.O,POOVAR TOWN,
POOVAR VILLAGE,NEYATTINKARA TALUK,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV.SMT.MINI GANGADHARAN

RESPONDENT:

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

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

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B.A. No.463 of 2015

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Dated this the 26th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A2 and A3 in Crime No.49 of 2015 of the Poovar Police Station, Thiruvananthapuram District, registered for the offences punishable under Sections 326, 323 and 34 of the Indian Penal Code.

3. The allegation against the petitioners and the other accused is that on 13.01.2015 at 11.30 p.m., they attacked the defacto complainant, and the 1st accused hit on the left eye of the defacto complainant with a granite stone, thereby causing serious injuries to his left eye. It is also alleged that the petitioners fisted on his chest and back.

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

5. The learned counsel for the petitioners has pointed out that the 2nd petitioner was already arrested by the Police and therefore this petition, as far as it relates to the 2nd petitioner, who is the 3rd accused, has become infructuous.

Regarding the 2nd accused, who is the 1st petitioner, it is pointed out that, the only allegation against the 1st petitioner is that he has fisted the defacto complainant on his chest and back. There is no allegation that he had made use of any weapon. No criminal antecedents have been reported against the 1st petitioner. Considering the facts and circumstances of the case, I am of the view that anticipatory bail can be granted to the 1st petitioner.

In the result, this bail application is allowed in part and the investigating officer or such other police officer, who is conducting the arrest of the 1st petitioner, is directed to enlarge the 1st petitioner on bail in the event of his arrest on his 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 1st petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Thursdays and Mondays commencing from 05.03.2015 for a period of three

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

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

(iii) The 1st petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The 1st petitioner 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.

This bail application, as far as the 2nd petitioner is concerned, has become infructuous.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/26/2/15

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P.A. To Judge