

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

Bail Appl..No. 590 of 2015 ()

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CRIME NO. 673/2014 OF AREACODE POLICE STATION, MALAPPURAM DISTRICT.**

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PETITIONERS/ACCUSED:

- 1. ABDULLA MARADIL, S/O.BEERANKUTTY HAJEE,
AGED 42 YEARS, PADIYANCHALIL HOUSE,
PARAPPUR, VILAYIL P.O., MALAPPURAM DISTRICT.**
- 2. ABDUL NAZAR, S/O.BEERANKUTTY HAJEE,
AGED 40 YEARS, PADIYANCHALIL HOUSE,
PARAPPUR, VILAYIL P.O., MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR,
SRI.K.RAKESH.**

RESPONDENT/STATE:

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31,
FOR THE SUB INSPECTOR OF POLICE,
AREACODE POLICE STATION,
MALAPPURAM DISTRICT.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

B.A.No.590 of 2015 C

Dated this the 5th day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.2 and 3 in Crime No.673/2014 of Areacode Police Station, Malappuram district registered for the offences punishable under Sections 341, 323, 324 and 326 read with Section 34 of the I.P.C.

3. The allegation against the petitioner and the other accused is that on 19.12.2014 at 8 p.m., they wrongfully restrained the de-facto complainant and slapped, and beat him with an iron rod, thereby causing fracture of the bone of his little finger.

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

5. It seems that all the main overt acts are alleged against the first accused. It was the first accused, who had made use of the

iron rod for attacking the de-facto complainant. The only allegation against the petitioners is that they slapped the de-facto complainant. There is no allegation that they had made use of any weapon. No criminal antecedents have been reported against the petitioners. I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case, as there is nothing to be recovered from them. Considering the facts and circumstances of the case and the absence of criminal antecedents on the part of the petitioners, 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) Petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 12.2.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) 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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PA to Judge