

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Bail Appl..No. 715 of 2015

CRIME NO. 1311/2014 OF MALAPPURAM POLICE STATION , MALAPPURAM

APPLICANTS/1ST & 2ND ACCUSED:-:

1. V.MOIDUPPA, AGED 36 YEARS
S/O.MOOSA, VELATHODI HOUSE, RAMAPURAM P.O.
MALAPPURAM DISTRICT.
2. MANI P., AGED 35 YEARS
S/O.ARAMUGAN, PULIYATH HOUSE, KADUNGAPURAM P.O.
MALAPPURAM DISTRICT.

BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.
SMT.N.C.SALINI
SRI.C.RADHAKRISHNAN
GIRISH P.C.

RESPONDENT(S)/STATE & COMPLAINANT:-:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. SUB INSPECTOR OF POLICE,
MALAPPURAM POLICE STATION,
MALAPPURAM - 676 505.

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

B.A.No.715 of 2015 D

Dated this the 13th day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 in Crime No.1311/2014 of Malappuram Police Station registered for the offences punishable under Sections 341, 323 and 326 read with Section 34 of the I.P. C.

3. On 19.11.2014 at 6 p.m., the first petitioner was keeping an Innova car in front of his workshop after spraying paint on it, with a view to getting it dried. At that time, the *defacto complainant*, who was under the influence of liquor, came over

there and stood in a slanting position by leaning on to the car. Even though, he was requested by the petitioners to move away, he did not care to do it and he entered in a wordy altercation with the petitioners. Thereafter, the *defacto complainant* took a granite stone and hit on the car and smashed its wind screen. It is alleged that the petitioners took sticks and beat the *defacto complainant*. When he fell down, he was stamped. The *defacto complainant* sustained a fracture of the bone below his right knee.

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

5. Much discussion is not required to conclude that this is a fit case wherein anticipatory bail can be granted to the petitioners. No criminal antecedents have been reported against the petitioners. Considering all the above, I am of the view that the petitioners are entitled to the discretionary relief of anticipatory bail.

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 ₹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 Fridays and Tuesdays, commencing from 20.3.2015 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**

dl

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PA to Judge