

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

Bail Appl..No. 763 of 2015

CRIME NO. 38/2015 OF POZHIYOOR POLICE STATION, THIRUVANANTHAPURAM.
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PETITIONER(S)/ACCUSED NOS.1 AND 2:

- 1. SANIL KUMAR, AGED 37 YEARS,
S/O.THOMAS, RESIDING AT SAFALAM,
THUMPAKAL, UCHAKADA P.O.,
THIRUVANANTHAPURAM-695506.**
- 2. VIJAYAN, AGED 43 YEARS,
S/O.SABARIMUTHAN, RESIDING AT MILLENIUM,
CHENCHELAKUZHY, UCHAKADA P.O.,
THIRUVANANTHAPURAM-695506.**

**BY ADVS.SRI.T.B.HOOD
SMT.M.ISHA**

RESPONDENT/STATE:

**STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
POZHIYOOR POLICE STATION,
THIRUVANANTHAPURAM-695513,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI-682031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No.763 of 2015

Dated this the 27th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

The petitioners are accused Nos.1 & 2 in crime No.38/2015 of Pozhiyoor Police Station, which has been registered for the offences under Sections 143, 147, 148, 323, 324, 326 and 341 r/w. Section 149 IPC.

2. The allegation is that he along with the co-accused assaulted the victim with iron rod and knife causing him injuries on his head and leg.

3. The learned counsel for the petitioners submits that the allegations are false and the victim sustained injuries when he fell into a drain in front of the bakery of the first petitioner's wife. The incident allegedly happened when the victim went to the bakery and behaved in an unruly manner.

4. Heard the learned counsel for the petitioners and

the learned Public Prosecutor.

5. A perusal of the wound certificate of the victim shows that he had consumed alcohol. The doctor has recorded that he was taken to the hospital by his 'boss', which speaks volumes. The injuries sustained by the victim are very minor. These facts make the defence version very significant. I am satisfied that this is a fit case to invoke the jurisdiction of this Court under Section 438 Cr.P.C.

In the result, this application is allowed.

- 1) The petitioners shall be released on bail after interrogation on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum if they are arrested by the police in connection with this case.
- 2) They shall co-operate with the investigation.

This order is not applicable if the petitioners choose to surrender before the Magistrate concerned and in such case the learned Magistrate

may take appropriate action in accordance with the
law.

sd/-
K. ABRAHAM MATHEW
JUDGE

shg/