

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. 766 of 2015

CRIME NO. 109/2015 OF VARKALA POLICE STATION , THIRUVANANDAPURAM

PETITIONER(S)/ACCUSED NO.5 & 6:

1. **ABDUL NAZAR @ MANU, AGED 29 YEARS,
S/O.NAZAR, LATHAMMA VILASAM, VETTOOR
VARKALA, THIRUVANANTHAPURAM DISTRICT.**
2. **YOUSUF, AGED 30 YEARS
S/O.ALAVUDHEEN, AIYAPPLA VEEDU, VETTOOR
VARKALA, THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/STATE & COMPLAINANT:

1. **STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**
2. **SUB INSPECTOR OF POLICE
VARKALA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

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

PJ

K. ABRAHAM MATHEW, J.

B.A. No.766 of 2015

Dated this the 27th day of February, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

This application has been filed by two petitioners stating that they are accused Nos.5 & 6 in crime No. 109/2015 of Varkala Police Station, which has been registered for the offences under Sections 142, 143, 147, 148, 149, 294(b), 323, 324, 308, 421 r/w. 34 IPC.

2. The learned Public Prosecutor submits that the first petitioner is not an accused in the case and the second petitioner is the fourth accused in the case.

3. The allegation is that the fourth accused wrongfully restrained the victim and the first and third accused struck the victim on the head with a beer bottle causing injuries on the forehead. The learned counsel for the petitioners submits that recovery has already been effected and anticipatory bail may be granted to him.

4. Heard.

5. The learned Public Prosecutor submits that the weapon has already been recovered and forwarded to the learned Magistrate concerned.

6. Having regard to the nature of the case it appears that custodial interrogation of the petitioner is not necessary.

In the result, this application is allowed.

- 1) The second petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the police in connection with this case.
- 2) He shall appear before the Investigating Officer between 10.30 a.m and 11.30 a.m on every 1st and 3rd Saturdays for 3 months or till the final report is filed, whichever is earlier.
- 3) He shall surrender his passport before the learned Magistrate concerned within seven days. If he does not have one he shall file an affidavit to that effect

within the said period.

- 4) He shall co-operate with the investigation.

This order is not applicable if the second petitioner chooses 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/