

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Bail Appl..No. 802 of 2015 ()

CRIME NO. 66/2015 OF NILESWARAM POLICE STATION, KASARAGOD DIST.

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PETITIONERS/ACCUSED NO.1 TO 4:

- 1. MADHU.C.C., S/O.NARAYANAN. C.S.,
AGED 42 YEARS, METTAK HOUSE, PALAYI,
PEROLE VILLAGE, KASARAGOD DISTRICT.**
- 2. K.V. SREEDHARAN, S/O.LATE POKKAN,
AGED 50 YEARS, KUNDANIYAN VEEDU,
PALAYI, PEROLE VILLAGE, KASARAGOD DISTRICT.**
- 3. C.K. SREENIVASAN,
S/O.LATE THAZHATH PADMANABHAN, AGED 33 YEARS,
CHENAMKUNNU HOUSE, PALAYI, PEROLE VILLAGE,
KASARAGOD DISTRICT.**
- 4. BAIJU M.V., S/O.LATE GOVINDAN,
AGED 33 YEARS, MANAIKKAVALAPPIL HOUSE,
PALAYI, PEROLE VILLAGE, KASARAGOD DISTRICT.**

BY ADV. SRI.M.V.AMARESAN.

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

.....
Bail No. 802 of 2015

.....
Dated this the 25th day of February, 2015.

O R D E R

Petition under Section 438 Cr.P.C.

Petitioners are the accused in Crime No.66/2015 of Nileswaram Police Station registered for the offences punishable under Sections 341,323, 324 and 326 read with Section 34 I.P.C.

2. The allegation against the petitioners is that on 31-1-2015 at 11 p.m, A1 to A3 wrongfully restrained the de facto complainant and his friends and attacked them. It is alleged that A1 and A2 severely beat the de facto complainant on his face with firewood and the other two accused slapped them with hands.

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

4. It has come out that the second petitioner, who is

the second accused, has been placed under arrest and presently, the Bail Application as far as the second petitioner is concerned, has become infructuous. Regarding the other accused, it seems that the grievous hurt was caused by the first petitioner along with the second petitioner. The defacto complainant has sustained very serious injuries and a fracture. Considering the seriousness of the allegations against the first petitioner, I am of the view that he is not entitled to the discretionary relief of anticipatory bail. At the same time, there is no allegation against the third and fourth petitioners that they have made use of any weapon. Considering the said aspects and especially in the absence of any criminal antecedents on their part, I am of the view that anticipatory bail can be granted to the petitioners 3 and 4.

5. 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 petitioner 3 and 4, is directed to enlarge the petitioners 3 and 4 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) Petitioners 3 and 4 shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays, commencing from 04.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Petitioners 3 and 4 shall not tamper with the evidence or influence witnesses.

(iii) Petitioners 3 and 4 shall make themselves available for interrogation as and when required by the investigating officer.

(iv) Petitioners 3 and 4 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.

6. This Bail Application, as far as the petitioners 1 and

2 are concerned, stands dismissed.

8. The learned counsel for the petitioners seeks for an opportunity to the 1st petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the 1st petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the 1st petitioner, effect recovery if any, and conduct the investigation and produce the 1st petitioner without delay before the concerned court below, where the 1st petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

B.KEMAL PASHA, J.
(Judge)

smm

