

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

Bail Appl..No. 1281 of 2015 ()

CRIME NO. 195/2015 OF PUTHOOR POLICE STATION , KOLLAM DISTRICT

PETITIONERS/ACCUSED A1 & 3:

- 1. SURAJ, AGED 33 YEARS,
S/O.VISWANATHAN, SURAJ BHAVAN, CHUNKATHARA MURI,
PUTHOOR (P.O), KOTTARAKARA TALUK, KOLLAM DISTRICT.**
- 2. BINUKUMAR, AGED 40 YEARS,
S/O.KARUNAKARAN, BINU BHAVAN, CHUNKATHARA MURI,
PUTHOOR(P.O), KOTTARAKARA TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.K.VANIL KUMAR

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K.ABRAHAM MATHEW, J.

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B.A.No.1281 of 2015

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Dated this the 27th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 and 3 in Crime No.195/2015 of Puthoor Police Station registered for the offences under sections 308,323,324 and 341 read with 34 IPC.

3. The allegation is that, they along with the co-accused assaulted the victim with a reaper causing an injury on his forehead and they kicked and assaulted him with hands.

4. The learned counsel submits that Section 308 IPC is not attracted.

5. Heard.

6. The weapon with which the petitioners assaulted the victim is only a reaper. Prima facie, it does not appear to be a dangerous weapon. The victim sustained an injury on his forehead.

7. Having regard to the facts, I am inclined to grant the prayer of the petitioners.

In the result, this application is allowed.

1) The petitioners shall be released on bail after interrogation on their executing a bond for ₹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 appear before the Investigating Officer for interrogation between 3pm and 4 pm on the 1st and 3rd Saturdays for three months or till the final report is filed, whichever is earlier.

3) They shall not destroy or tamper with evidence.

4) In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

K.ABRAHAM MATHEW, JUDGE