

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

Bail Appl..No. 1332 of 2015

CRIME NO. 113/2015 OF PANDIKAD POLICE STATION , MALAPPURAM

PETITIONER(S)/ACCUSED:

1. LATHEEF, AGED 24 YEARS,
S/O. ALAVI, MANDAYIL HOUSE, KOLAPRAMBA P.O.
PANDIKKAD, MALAPPURAM.
2. HASHIM BABU, AGED 22 YEARS,
S/O. ABOOBACKER, MANDAYIL HOUSE, KOLAPARAMBA P.O.
PANDIKKAD, MALAPPURAM.
3. ASHIQ, AGED 22 YEARS,
S/O. ALAVI, MANDAYI HOUSE, KOLAPARAMBA P.O.
PANDIKKAD, MALAPPURAM.

BY ADV. SRI.SAJU.S.A

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

B.A. No.1332 of 2015

Dated this the 2nd day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.2.

2. Petitioners are accused in Crime No.113/2015 of Pandikkad police station registered for the offences under sections 324, 326 and 341 of Indian Penal Code.

3. The prosecution case is that they wrongfully restrained the victims and assaulted them with iron rod and stone causing serious injuries.

4. Heard.

5. The first petitioner allegedly used iron rod and the second petitioner used stone to assault the victims. One of the victims sustained injury of the nasal bone and the other sustained fracture of the parietal bone. Thus, it is clear that the attack was with heavy weapons. The victims were assaulted on the head, which makes the prosecution case probable. There is no allegation that the third petitioner was armed. So I am inclined to reject the prayer of the petitioners 1 and 2 and to allow the prayer of the third petitioner.

In the result this application is allowed in part.

1. The third 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 am and 11 am on every alternate Fridays for three months or till the final report is filed whichever is earlier.

3. He shall not destroy or tamper with evidence.

4. He shall deposit in the trial court Rs.3500/- within 5 days.

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

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge