

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Bail Appl..No. 1398 of 2015

CRIME NO. 169/2015 OF CHERPULASSERY POLICE STATION, PALAKKAD DISTRICT.

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PETITIONER/ACCUSED NOS. 1 AND 2:

- 1. MUHAMMED NISHAD, AGED 20 YEARS,
S/O MOIDEENKUTTY, MADATHIL HOUSE,
VALLAPUZHA, PALAKKAD DISTRICT.**
- 2. ABIPRAKASH, AGED 20 YEARS,
S/O PRAKASH P.K., PARTHAKKAL KRISHNALAYA,
PATTAMBI, PALAKKAD DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENTS/COMPLAINANT & STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.169 OF 2015 OF
CHERPULASERY POLICE STATION)
PALAKKAD DISTRICT, PIN - 679 503.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

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B.A.No.1398 of 2015

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Dated this the 24th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioners are A1 and A2 in Crime No.169 of 2015 of the Cherpulassery Police Station, registered for the offences punishable under Sections 341, 323 and 326 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that they along with other accused attacked the defacto complainant on 06.02.2015 at 1.30 p.m., at the Ideal College. It is alleged that the 1st accused caught hold of the defacto complainant and slapped him and the 2nd accused beat him with a stick. It is alleged that the 3rd accused hit on his left eye with a granite stone, thereby destroying his artificial eye.

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

5. No criminal antecedents have been reported against the petitioners and all the main overt acts are alleged against the 3rd accused. There is no allegation that the petitioners have caused any grievous hurt; whereas the same was allegedly caused by the 3rd accused. Considering the lesser part allegedly played by the petitioners in the incident and the present stage of the investigation, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners 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 for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) Petitioners shall report before the

investigating officer in between 09.00 a.m. and 11.00 a.m. on all Tuesdays and Fridays commencing from 31.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) Petitioners 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.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/24/3/15

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P.A. To Judge