

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Bail Appl..No. 2053 of 2015 ()

CRIME NO. 271/2015 OF PANDIKKAD POLICE STATION, MALAPPURAM DISTRICT

PETITIONER/ACCUSED 1, 2, 4, 8 & 10 :

- 1. SUMESH A.P.,
S/O.KANDAN, AGED 24 YEARS
ANAPPATTATH HOUSE,
CHEMBRASSERY EAST P.O.
MALAPPURAM.**
- 2. ABDUL MUNEER P.T.,
S/O.MUHAMMED, AGED 31 YEARS,
PARATHODIKA HOUSE, DO. DO.**
- 3. GIREESH
S/O.RAMAN, AGED 27 YEARS
PULIPARAMBATH HOUSE, DO. DO.**
- 4. PADMANABHAN P.,
S/O.RAMAN, AGED 32 YEARS, DO. DO.**

BY ADV. SRI.SAJU S.A.

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K. ABRAHAM MATHEW, J.

B.A. No.2053 of 2015

Dated this the 21st day of July 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.271 of 2015 of Pandikkad Police Station registered for the offences under Secs.143, 147, 148, 308, 324 and 341 read with Sec.149 of the Indian Penal Code. The prosecution case is that, they along with the co-accused armed with deadly weapons like iron rods formed themselves into an unlawful assembly, wrongfully restrained the victim and assaulted him with the weapons.

3. Heard both sides.

4. Learned counsel submits that the Police have registered a counter case as Crime No.273 of 2015. The petitioners names find a place in the First Information Statement.

5. There is a specific allegation that the 1st and 2nd petitioners assaulted the victim with iron rods on his head. The wound certificates prove that the victim

sustained crush injuries on the scalp which makes probable the prosecution story. There is no allegation that the other petitioners used any weapon. So I am inclined to grant the prayer of petitioners 3 and 4 and not of the petitioners 1 and 2.

In the result, the bail application is allowed in part.

1) The petitioners 3 and 4 shall be released on bail after interrogation on their executing a bond for Rs.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 between 10.00 a.m. and 11.00 a.m. every Wednesday for three months or till the final report is filed, whichever is earlier.

3) They shall surrender their passports before the lower court concerned or if they do

not have the one, file affidavits to that effect.

4) They shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5) They shall not destroy or tamper with evidence nor shall they get themselves involved in any other criminal case.

6) They shall not intimidate or attempt to influence the witnesses.

7) They shall co-operate with investigation of the case.

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

If the petitioners surrender before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /