

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE SUNIL THOMAS**

**TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937**

**Bail Appl..No. 2232 of 2015 ()**

**CRIME NO. 250/2015 OF AYIROOR POLICE STATION,  
THIRUVANANDAPURAM RURAL**

**PETITIONERS :**

- 1. NOUSHAD, AGED 39 YEARS,  
S/O.ABDUL VAHID, KUNNIL PUTHEN VEEDU,  
S.V.PURAM, KANVSHRAMAN**
- 2. ANZY, AGED 30 YEARS,  
S/O.ABDUL VAHAD, KARIKKUHI ZUNOMI FLAT,  
VALIYAVILA FLAT NO.12, G/4, MAYYANAD P.O.,  
PARAVOOR, ERAVIPURAM VILLAGE**
- 3. SHAJAHAN, AGED 40 YEARS,  
S/O.ABDUL WAHID, M.M.MANZIL, NADAYAROOR**

**BY ADV. SRI.R.GOPAN**

**RESPONDENTS :**

- 1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM**
- 2. THE SUB INSPECTOR OF POLICE,  
AYIROOR POLICE STATION,  
THIRUVANANTHAPURAM RURAL 695001**

**R1 & R2 BY PUBLIC PROSECUTOR SMT. MADHUBEN M.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 14-07-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**bp**

**SUNIL THOMAS, J.**

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**B.A.No.2232 of 2015**

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Dated this the 14<sup>th</sup> day of July, 2015

**ORDER**

This application for pre-arrest bail is preferred by accused Nos.1, 2 and 4 in Crime No.250 of 2015 of the Ayiroor Police Station for offences punishable under Sections 324 and 326 r/w Section 34 of the Indian Penal Code.

2. The allegation of the prosecution is that due to a family dispute between the de facto complainant and the accused, the accused went to the house of the de facto complainant on 1.04.2015 at about 7 p.m. and assaulted him using iron pipes. It is alleged that each of the accused committed specific overt acts and the de facto complainant sustained grievous injuries. Crime was registered. Apprehending arrest, petitioners have preferred this application.

3. Heard both sides and perused the records.

4. In the FIS, there are specific overt acts alleged against the first and second accused. They are alleged to have used an iron pipe and one among them has hit on the leg of the de facto complainant. Another injury was caused on the forehead also. The corresponding injuries are seen in the wound certificate. In the body note attached to the FIS itself, there is an indication that the de facto

complainant had sustained a fracture injury and was put on plaster. Even though a search was conducted in the house of the second accused, two of the iron rods are recovered, still two more are to be recovered. Considering these facts, I feel if bail is granted to these accused, it may hamper the effective investigation and also the recovery of the arms allegedly used. However, the role played by the 4<sup>th</sup> accused is rather minor and hence, I am inclined to take a lenient view in his case.

The application is allowed in part as follows:

- (i) Anticipatory bail application filed by petitioner Nos.1 and 2 (accused Nos. 1 and 2) is rejected.
- (ii) The anticipatory bail application of the fourth accused (third petitioner) is allowed as follows:

- (a) The third petitioner shall appear before the Investigating Officer on 24.07.2015 between 10 a.m. and 11 a.m and undergo interrogation. After interrogation, in the event of his arrest, he shall be released on bail on he executing bond for Rs.25,000/- (Rupees twenty five thousand only) with two surety for the like sum each.

- (b) The third petitioner shall not interfere in the process of investigation, threaten, coerce or intimidate the witnesses.

(c) The third petitioner shall appear before the Investigating Officer as and when called for.

Sd/-

**SUNIL THOMAS**  
**Judge**

Sbna