

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

Bail Appl..No. 2828 of 2015

CRIME NO. 313/2015 OF AMBALAMEDU POLICE STATION, ERNAKULAM DISTRICT.
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APPLICANT/ACCUSED:

**M.N.DIVAKARAN, AGED 48 YEARS,
S/O.NARAYANAN, MULAYAMKOTTU HOUSE,
KARIMUGAL P.O, ERNAKULAM.**

**BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADVS. SRI.VIPIN NARAYAN
SMT.ATHIRA A.MENON**

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

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B.A.No. 2828 of 2015 (C)

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Dated this the 28th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under sections 324 and 326 of IPC. The accusation is that the petitioner assaulted the victim with the handle of a spade causing fracture of the rib and other injuries.

3. Heard.

4. It is not in dispute that the weapon has already been recovered. Learned counsel submits that the victim sustained the fracture in a fall which according to him is clear from the wound certificate and scene mahazar. It is not proper for me to express any opinion about the submission. But it appears that detention of the petitioner is not necessary for effective investigation.

In the result, this application is allowed.

1) The 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

3 pm and 4 pm on every Saturday for three months or till the final report is filed, whichever is earlier.

3) He shall not destroy or tamper with evidence.

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

Sd/-
K. ABRAHAM MATHEW
JUDGE

DST

//True Copy//

P.A. To Judge