

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

Bail Appl..No.2866 of 2015

CRIME NO.340/2015 OF THENHIPALAM POLICE STATION.MALAPPURAM.

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PETITIONER'S/ACCUSED:

1. SIYAS BABU.T.P,AGED 30 YEARS,S/O.ABBAS T.P,
KAITHOLIPADANNA,KARUVANTHIRUTHI,FEROKE.
2. MUJEEB,AGED 32 YEARS,S/O.ABDUL VAHAB HAJEE,
CMA MANZIL,CHELUPADAM,CHELAMBRA AMSOM DESOM.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT'S/COMPLAINANT/STATE:

1. THE SUB INSPECTOR OF POLICE,
THENHIPALAM POLICE STATION-676 505.
2. STATE OF KERALA,REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

K.ABRAHAM MATHEW, J.

B.A.No.2866 of 2015

Dated this the 29th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused 1 and 2 in Crime No.340 of 2015 of Thenhippalam Police Station registered for the offences under Sections 341,323,325 and 326 r/w Section 34 IPC.

3. The 1st petitioner is the brother in-law of the 1st informant. The allegation is that the 1st petitioner along with the co-accused including the 2nd petitioner assaulted the 1st informant with iron rods causing him serious injuries including fracture. Learned counsel submits that the allegations are false and there was only a wordy duel between the two sides.

4. Heard.

5. The wound certificate of the 1st informant shows that he sustained fracture of the nasal bone. There was one more fracture also, the site of which is not clear. It is evident that he was attacked with a heavy weapon. Prima facie, the allegation against the petitioners appears to be true. The weapon has not been recovered. Custodial interrogation of the petitioner is necessary for effective investigation. Merely because the police have registered a case against the 1st

informant and some others, the crime number being 345/2015.

Anticipatory bail cannot be granted to the petitioners.

In the result, this application is dismissed. The learned counsel submits that the petitioners will surrender before the investigating officer. They may do so if they are so advised.

**K.ABRAHAM MATHEW
JUDGE**

pm