

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

Bail Appl..No. 3004 of 2015 ()

CRIME NO. 1029/2015 OF MOOVATTUPUZHA POLICE STATION, ERNAKULAM DISTRICT

PETITIONERS/ACCUSED 1 TO 4 :

- 1. HASSAN
S/O. BAPU, AGED 72 YEARS
ELANJIYIL HOUSE, MULAVOOR KARA
MULAVOOR VILLAGE, MOOVATTUPUZHA.**
- 2. YAHYA, AGED 40 YEARS
S/O.HASSAN, ELANJIYIL HOUSE, MULAVOOR KARA
MULAVOOR VILLAGE, MOOVATTUPUZHA.**
- 3. IBRAHIM, AGED 35 YEARS
S/O.HASSAN, ELANJIYIL HOUSE, MULAVOOR KARA
MULAVOOR VILLAGE, MOOVATTUPUZHA.**
- 4. MOHAMMAD KUNJU, AGED 32 YEARS
S/O. HASSAN, ELANJIYIL HOUSE, MULAVOOR KARA
MULAVOOR VILLAGE, MOOVATTUPUZHA.**

**BY ADVS.SRI.V.JOHN SEBASTIAN RALPH
SRI.K.J.JOSEPH (ERNAKULAM)
SRI.V.JOHN THOMAS**

RESPONDENT/COMPLAINANT/STATE :

**STATE OF KERALA
REPRESENTED BY THE C.I OF POLICE
MOOVATTUPUZHA POLICE STATION
(CRIME 1029/2015) REPRESENTED BY THE PUBLIC PROSECUTOR
SESSIONS'S COURT, ERNAKULAM**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K. ABRAHAM MATHEW, J.
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B.A. No. 3004 of 2015
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Dated this the 4th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under sections 294(b), 341, 323, 324, 326, 506 read with 34 IPC. The first petitioner is the father of the other petitioners. All of them together allegedly attacked the victim with dangerous weapons like iron rod and stones, causing fracture of his nasal bone and other injuries.

3. Heard.

4. The wound certificate of the victim shows that he sustained an injury on the lip, a lacerated wound on the hip and fracture of the nasal bone. This probabilises the prosecution case that he was attacked with weapons like stone and iron rods. Only the second and fourth petitioners were armed and used weapons. Having regard to these facts, I am inclined to reject the prayer of petitioners 2 and 4 and allow the prayer of the other petitioners.

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In the result, petitioners 1 and 3 will 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 not destroy or tamper with evidence.

3) They shall appear before the Investigating Officer between 10 a.m. to 11a.m. on every Wednesday for four months or till the final report is filed, whichever is earlier.

4) They shall not get themselves involved in any other criminal case which they are on bail.

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

6) They 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. The application is dismissed so far as the 2nd and 4th petitioners are concerned.

Sd/-
K. ABRAHAM MATHEW
JUDGE

DST

//True Copy//

P.A. To Judge