

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS. JUSTICE MARY JOSEPH

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

Bail Appl..No. 3343 of 2015 ()

CRIME NO. 505/2015 OF NADAKKAVU POLICE STATION, KOZHIKODE DISTRICT

PETITIONERS/ACCUSED 1 & 2 :

- 1. AKSHAY T. MURALI, AGED 20 YEARS
S/O.MURALIDHARAN A. MAYOOGHAM, EAST KUDILTHODU
CHEVARAMBALAM, KOZHIKODE-673017.**
- 2. MOHAMMED HISHAAM, AGED 19 YEARS
S/O.MOHAMMED THAJUDHEEN, AMIVILLA, GOLF LINK ROAD
CHEVARAMBALAM, KOZHIKODE-673 017.**

**BY SENIOR ADVOCATE DR.K.P.SATHEESAN
BY ADVS.SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP V. NAIR
SRI.S.VIBHEESHANAN**

RESPONDENTS/STATE & COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
NADAKKAVU POLICE STATION, KOZHIKODE DISTRICT
PIN-673 016.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

Mary Joseph, J.

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B.A.No.3343 of 2015

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Dated this the 1st day of July, 2015.

ORDER

1. This is a petition filed under Section 438 of the Code of Criminal Procedure.
2. Petitioners are Accused Nos.1 and 2 in Crime No.505 of 2015 of Nadakkavu Police Station. The crime was registered, alleging commission of offences punishable under Sections 341, 367, 323, 324, 326 and 308 read with Section 34 of the Indian Penal Code. The case of the prosecution is that on 25.5.2015 at about 7 p.m., the petitioners came in a car and forcibly took the defacto complainant from Asokapuram to Jawahar colony and inflicted injuries. On the basis of the aforesaid allegation set forth in the First Information Statement lodged, the crime in question was registered by the respondent. The parties apprehend arrest by the respondent in the matter and therefore, this application.

3. According to the learned counsel for the petitioners, the accused, two in number, were aged below 20 years and serious allegations were levelled against them solely on the reason that the father of one of the injured is a local Sub Inspector. According to him, the injuries sustained are not serious ones so as to attract the ingredients of the offence punishable under Sections 326 and 308 I.P.C.
4. Learned Public Prosecutor has made available the case diary, wherein the accident register-cum-wound certificate of the injured is incorporated and it discloses multiple abrasions and fracture to two teeths of the upper jaw.
5. Having heard both sides and having regard to the injury sustained by the injured, I do not find any reason to grant anticipatory bail at this stage.
6. At this juncture, learned counsel for the petitioners canvassed for an order directing the petitioners to surrender before the investigating officer, I feel it appropriate to issue directions in that regard.

In the result, this bail application is disposed of with a direction to the petitioners to surrender before the second respondent at 11 a.m. on 8.7.2015 for interrogation and if interrogation is not completed on that day the petitioners are directed to appear before the Investigating Officer on the day and time as directed by the latter. After the interrogation, the petitioners shall be produced before the learned Magistrate having jurisdiction on the same day. The learned Magistrate shall consider the bail application if any moved by the petitioners and the application if any filed by the Investigating Officer for getting the petitioners in custody if custodial interrogation is found necessary during the questioning without delay in accordance with law.

Mary Joseph, Judge.

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