

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

Bail Appl..No. 3514 of 2015 ()

CRIME NO. 604/2015 OF MALAPPURAM POLICE STATION, MALAPPURAM

PETITIONER/1ST ACCUSED:-:

**EDI AMEEN, AGED 33 YEARS,
S/O.MUHAMMED, BALATHODI HOUSE,
KOOTILANGADI, MALAPPURAM DISTRICT.**

BY ADV. SRI.T.PRASAD

RESPONDENT/COMPLAINANT:-:

**STATE OF KERALA
REPRESENTED BY THE STATION HOUSE OFFICER,
MALAPPURAM POLICE STATION,
MALAPPURAM DISTRICT,
THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. MADHUBEN.M.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

SUNIL THOMAS, J.

B.A. No. 3514 of 2015

Dated this the 9th day of July, 2015

ORDER

The 1st accused in Crime No. 604/2015 of Malappuram Police Station for offences punishable under Sections 341, 323, 324, 326 read with Section 34 of the Indian Penal Code is the petitioner.

2. The allegation against the accused is that on 01.04.2015 at about 7.30 p.m., all the accused in furtherance of their common intention to cause bodily injury to the defacto complainant had beaten him using an iron rod which resulted in the fracture of bone of the right leg. He was admitted in the hospital and thereafter the crime was registered. All the accused moved the Learned Sessions Judge. The Learned Sessions Judge by order dated 11.06.2015 rejected the application of the present petitioner alone, essentially on the ground that he has committed the main overtact.

3. Heard. The learned public prosecutor opposed the Application contending that the act committed by the 1st accused cannot be justified. Perused the records.

4. It is true that the main overtact was committed by the 1st accused. The learned counsel for the petitioner vehemently contended that his client was attacked by the defacto complainant and three others and a crime was registered as Crime No. 604/2015. It was further contended that though allegedly the defacto complainant sustained injury on 01.04.2015, he got admitted in the hospital on 04.04.2015 only. It was contended that this delay casts doubt on the allegation.

5. Even though, a counter case has been registered, the wound certificate in relation to that is not forthcoming. It is also seen, that the counter case is just preceeding the present crime and is one under various provisions including Section 324 of the Indian Penal Code. Evidently, the gravity of the offence alleged in the present

case is of higher degree than that in Crime No. 604/2015. The allegation against the petitioner herein appears to be more serious.

6. However, considering the fact that investigation has considerably progressed, further fact that iron rod has been recovered from the spot and also taking into consideration the fact that, there seems to be a dispute regarding the filling up of soil in the paddy field, I feel that a lenient view can be taken and a custodial interrogation of the accused can be avoided. This is for the further reason that, he is not seen involved in any other crime. Hence, I am inclined to grant bail to the petitioner subject to the following strict conditions:

1. The Petitioner shall appear before the Investigating Officer on 17.07.2015 between 9 a.m and 10 a.m. After interrogation, he shall be released on bail on he executing a bond for a sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with two sureties for

the like sum each.

- 2.He shall appear before the Investigating Officer on all Mondays and Fridays between 9 a.m and 10 a.m for a period of one month from the date of execution of the above bond.
- 3.Except for the compliance of the above condition, he shall not enter the Sessions division of Manjery for a period of one month from the date of execution of the above bond.
- 4.He shall not in any manner, threaten, coerce or intimidate of the witnesses or the defacto complainant and shall not interfere with investigation process.

Sd/-
SUNIL THOMAS
JUDGE