

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

Bail Appl..No. 3728 of 2015

CRIME NO. 711/2015 OF PARAVOOR POLICE STATION, KOLLAM DISTRICT.
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PETITIONER(S)/ACCUSED NOS(NOT KNOWN):

1. ASAD, AGED 21 YEARS,
S/O.ABDUL SALAM, AL-AZHAR,
PERIZHIKKARA CHERRY, PARAVOOR,
KOLLAM.
2. RASHID Y., 20 YEARS, S/O.YAHIYA,
KADUTHAZHAM, KONGAL,
PARAVOOR, KOLLAM.

BY ADV. SRI.ABDUL JALEEL.A

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. SUB INSPECTOR OF POLICE,
PARAVOOR POLICE STATION,
KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No.3728 of 2015

Dated this the 23rd day of July 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused nos.4 and 5 in Crime No.711 of 2015 of Paravoor Police station registered for the offences under Secs.143, 147, 148, 308, 323 and 324 read with Sec.149 of the Indian Penal Code. The 1st accused had some enmity towards the victim. It is alleged that on account of previous enmity, he along with the petitioners and other accused assaulted the victim with iron rods and beer bottle causing him serious injuries on the head.

3. Heard both sides.

4. A perusal of the First Information Statement shows that it was the 1st accused who assaulted the victim with iron rod on the head. The victim sustained serious injuries on the head. There is no specific allegation against the petitioners. Though there is a statement that a stranger assaulted the victim with a

beer bottle, he has not been identified so far.

Having regard to these facts, I am inclined to grant the prayer of the petitioners.

In the result, the bail application is allowed.

1) The petitioners shall 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) The petitioners shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. every alternate Thursdays for three months or till the final report is filed, whichever is earlier.

3) The petitioners shall surrender their passports before the lower court concerned or if they do not have the one, file affidavits to that effect.

4) The petitioners shall not leave India

without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5) The petitioners shall not destroy or tamper with evidence nor shall they get themselves involved in any other criminal case.

6) The petitioners shall not intimidate or attempt to influence the witnesses.

7) The petitioners shall co-operate with investigation of the case.

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

If the petitioners surrender before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge