

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Bail Appl..No. 4019 of 2015 ()

CRIME NO. 224/2015 OF CHOTTANIKKARA POLICE STATION, ERNAKULAM

PETITIONERS :

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1. **K.K.RAJAPPAN**
AGED 65 YEARS, S/O.KUNJAN, KOLAKKATTUPADIYIL HOUSE,
CHOTTANIKKARA P.O., KANAYANNUR DESAM,
KANAYANNUR VILLAGE, KANAYANNUR TALUK, PIN. 682 312.
 2. **SMT. LEELA RAJAPPAN,**
AGED 60 YEARS, W/O.K.K.RAJAPPAN,
KOLAKKATTUPADIYIL HOUSE, CHOTTANIKKARA P.O.,
KANAYANNUR DESAM, KANAYANNUR VILLAGE,
KANAYANNUR TALUK - PIN. 682 312.

BY ADV. SRI.VARGHESE P.CHACKO

RESPONDENTS :

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1. **STATE OF KERALA**
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
 2. **THE S.I. OF POLICE,**
CHOTTANIKKARA POLICE STATION, CHOTTANIKKARA P.O.,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.4019 of 2015

Dated this the 14th day of July 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioners are accused in Crime No.224 of 2015 of Chottanikkara Police station registered for the offences under Secs.294(b), 323 and 326 read with Sec.34 of the Indian Penal Code. The prosecution case is that they assaulted the victim with a stick causing fracture of his nasal bone.

3. Heard both sides.

4. The weapon used was a stick. There was a civil dispute between the parties. The petitioners are husband and wife. They are senior citizens.

5. Having regard to these facts, I am inclined to grant their prayer.

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 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 appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. every Monday for three months or till the final report is filed whichever is earlier.

3) They shall not destroy or tamper with evidence.

4) They shall not intimidate or influence the witnesses nor shall they get themselves involved in any other criminal 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.

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

This order will not prevent the investigating officer from effecting recovery of the weapon if the facts and circumstances justify it.

Sd/-
K. ABRAHAM MATHEW
JUDGE