

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Bail Appl..No. 4029 of 2015

CRIME NO. 289/2015 OF KADAKKAVOOR POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED:

1. NAUFAL, AGED 20 YEARS,
S/O.MOHAMMED SALIM, FATIMA MANZIL
VAKKOM P.O, THIRUVANANTHAPURAM.
2. HASIF MOHAMMED, AGED 19 YEARS,
S/O.NAZIMUDDIN, C.V.HOUSE, VAKKOM,
THIRUVANANTHAPURAM.
3. SUFIAN, AGED 20 YEARS, S/O.NAZEEM, C.V.HOUSE, VAKKOM,
THIRUVANANTHAPURAM.
4. HAZHIK MOHAMMED, AGED 21 YEARS,
S/O.NAZIMUDDIN, C.V.HOUSE, VAKKOM,
THIRUVANANTHAPURAM.

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE/COMPLAINANT:

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031(CRIME NO.289/2015
OF KADAKKAVOOR POLICE STATION,
THIRUVANANTHAPURAM DISTRICT).
2. STATION HOUSE OFFICER,
KADAKKAVOOR POLICE STATION,
THIRUVANANTHAPURAM DISTRICT - 695 306
(CRIME NO.289/2015 OF KADAKKAVOOR POLICE STATION
THIRUVANANTHAPURAM DISTRICT).

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K. ABRAHAM MATHEW, J.

=====

B.A.No. 4029 of 2015

Dated this the 19th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No. 289 of 2015 of Kadakkavoor Police Station. They are accused of having committed the offences under Section 143, 147, 148, 149, 324, 323 and 308 read with Section 149 of the Indian Penal Code.

3. The prosecution case is that they assaulted the victim with sword, iron rods etc. causing him serious injuries.

4. Heard.

5. The police has registered a counter case as Crime No. 303 of 2015 against the victim and others for the offences under Sections 143, 147, 148, 294(b), 324, 326 and 308 read with Section 149 of the Indian Penal Code.

6. The victim in this case sustained lacerated wound. On the other hand, the first petitioner sustained fracture of the left hand and other injuries. It appears that there was a group clash. The parties were participants in a badminton tournament. The petitioners won and the victim and others lost. The incident was a consequence of it. Having regard to these facts, I am inclined to

grant the prayer of the petitioners.

In the result, this application is allowed.

- 1)The petitioners shall be released on bail 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 surrender their passports before the lower court concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.*
 - 3)They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
 - 4)They shall appear before the Investigating Officer between 10 a.m. and 11 a.m. every Thursday for three months or till the final report is filed, whichever is earlier.*
 - 5)They shall not intimidate or attempt to influence the witnesses.*
 - 6)They shall not destroy or tamper with evidence.*
 - 7)They shall not get themselves involved in any other criminal case while they are on bail.*
- If the petitioners surrender before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.*

In case of violation of any of the above conditions, the

learned Magistrate is empowered to cancel the bail in accordance with the law.

It is made clear that this order is not an impediment for the Investigating Officer to take all or any of the petitioners into custody to effect recovery under Section 27 of the Evidence Act.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge