

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Bail Appl..No. 4043 of 2015

CRIME NO. 1134/2015 OF MUVATTUPUZHA POLICE STATION, ERNAKULAM DISTRICT.
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PETITIONER(S)/ACCUSED NO. 1 & 2:

- 1. SAJI, AGED 43 YEARS, S/O.RAGHAVAN,
KAKKALAM PARAYIL, SOUTH MARADY,
MUVATTUPUZHA, ERNAKULAM DISTRICT.**
- 2. SHIBU, AGED 44 YEARS,
S/O.SUDHAKARAN, MADATHIL, SOUTH MARADY,
MUVATTUPUZHA, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.M.B.SANDEEP
SMT.R.PRIYA
SRI.V.VISAL AJAYAN
SRI.B.SURJITH
SRI.ABHILASH JOSE
SRI.M.A.AHAMMAD SAHEER
SMT.R.ANJANA**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY SI OF POLICE,
MUVATTUPUZHA POLICE STATION,
ERNAKULAM DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT, ERNAKULAM, PIN - 682 031.**

BY PUBLIC PROSECUTOR SMT.REMA.R

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

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B.A.No. 4043 of 2015

Dated this the 15th day of July, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 323, 324, 326, 341 and 34 IPC. The prosecution case is that they wrongfully restrained the victim and assaulted him with an iron lever and a piece of granite causing him fracture of the right clavicle.

3. Heard.

4. Learned counsel submits that the victim sustained injury in a fall in the course of a scuffle between him and the petitioners. The victim told the doctor that he sustained injuries in an assault. There was no mention about any weapon. The doctor has recorded that there was smell of alcohol. The statement of the doctor indicates that the injury could be caused in an assault with hand also. 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)The petitioners 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 alternate Wednesday for four 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.

Sd/-

**K. ABRAHAM MATHEW,
JUDGE**

DST

//True copy//

P.A. To Judge