

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

Bail Appl..No. 4110 of 2015 ()

CRIME NO. 1765/2014 OF KOTTIYAM POLICE STATION, KOLLAM

PETITIONERS/ACCUSED 6 & 7 :

- 1. AJMAL, AGED 18 YEARS,
S/O SHAHUL HAMEED, RESIDING AT MOZHANGODIYIL VEEDU,
PATTARUMUKKU, UMayANALLOOR P.O., KOLLAM DISTRICT.**
- 2. AHAMMED THUFAYIL, AGED 18 YEARS,
S/O NAVAS, SIMLA MANZIL, KALLUMTHODIYIL,
THAZHAM P.O., KOLLAM.**

**BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)
SRI.S.SREEKUMAR (KOLLAM)
SRI.ANIL ELGIN
SRI.S.VINCENT
SRI.S.JOSE**

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
THROUGH THE SUB INSPECTOR OF POLICE,
KOTTIYAM POLICE STATION, KOLLAM DISTRICT.**

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

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B.A.No. 4110 of 2015

Dated this the 17th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 143, 147, 148, 323, 324, 325 and 308 read with Section 149 of the Indian Penal Code, 1860. The prosecution case is that they along with the co-accused assaulted the victim with iron rods causing injuries to him.

3. Heard.

4. The incident happened in connection with a motor accident. The petitioners' names do not find a place in the First Information Statement. Learned counsel submits that they were arrayed as accused later only because they took the victim of the accident to hospital. Having regard to the fact that they were not named in the First Information Statement, 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 appear before the Investigating Officer for interrogation if they are so required by him in writing.

3) They shall not intimidate or attempt to influence the witnesses.

4) They shall not destroy or tamper with evidence.

5) 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