

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

Bail Appl..No. 4173 of 2015

**CRIME NO. 720/2015 OF KUNNATHUNADU POLICE STATION,
ERNAKULAM DISTRICT**

PETITIONER(S)/ACCUSED :

- 1. ASHARAF, AGED 28 YEARS,
S/O.ABOOBACKER, KALLUNGAL HOUSE, PATTIMATTOM VILLAGE,
KAITHAKKADU KATRA, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT.**
- 2. KABEER, AGED 36 YEARS,
S/O.ABOOBACKER, KALLUNGAL HOUSE, PATTIMATTOM VILLAGE,
KAITHAKKADU KATRA, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.SIRAJ KAROLY
SRI.R.PARAMESWARA IYER**

RESPONDENT(S)/COMPLAINANT :

**PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING THE SUB INSPECTOR OF POLICE,
KUNNATHUNADU, ERNAKULAM DISTRICT.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

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B.A.No. 4173 of 2015

Dated this the 28th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 341, 323, 324, 326 read with Section 34 of the Indian Penal Code, 1860. The prosecution case is that while the victim was going on a motor cycle, they restrained him and assaulted him with a stick.

3. Heard.

4. In the First Information Statement the victim's case is that he was beaten on the head with a stick. So the prosecution allegation that the victim sustained fracture of the left shoulder bone in the attack, does not appear to be the result of the attack. For this reason, 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 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