

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Bail Appl..No. 4417 of 2015

CRIME NO. 371/2015 OF NATTUKAL POLICE STATION , PALAKKAD DISTRICT

PETITIONER(S)/ACCUSED 1, 2 & 5 :

- 1. HANEEFA NALAKATH, AGED 47 YEARS,
S/O.KUNHALAVI, NALAKATH, PALODE,
MANNARKKAD, PALAKKAD DISTRICT.**
- 2. MUHAMMED, AGED 55 YEARS,
S/O.KUNHALAVI, NALAKATH, PALODE,
MANNARKKAD, PALAKKAD DISTRICT.**
- 3. ABOO MASTER, AGED 44 YEARS,
S/O.VEEERAPPU, CHERIPURATH HOSUE, PALODE P.O.,
MANNARKKAD, PALAKKAD DISTRICT.**

BY ADV. SRI.P.JAYARAM

RESPONDENT(S) :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

B.A. No.4417 of 2015

Dated this the 29th day of July 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.371 of 2015 of Nattukal Police station registered for the offences under Secs.143, 147, 148, 308 and 326 read with Sec.149 of the Indian Penal Code. The prosecution case is that at 11.00 p.m., on the road infront of their house they assaulted the victim with a deadly weapon causing fracture of his bone.

3. Heard both sides.

4. Learned counsel submits that the incident happened in his property and the victim and others trespassed into his property and assaulted him and others for which the Police have registered a case.

5. Even going by the prosecution case, the place of occurrence is the road infront of the house of the petitioners. The time of occurrence is 11.00 p.m. The presence of the victim and others infront of the house of

the petitioners at that odd hour is relevant. The 3rd accused has already been arrested and released on bail. The weapon has been recovered.

5. Having regard to these facts, I am inclined to grant the prayer of the petitioners.

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 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 appear before the Investigating Officer for interrogation if they are so required by him in writing.

3) The petitioners shall surrender their passports before the lower court concerned or if they do not have the one, file affidavits to that effect.

4) The petitioners shall not leave India

without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5) The petitioners shall not destroy or tamper with evidence nor shall they get themselves involved in any other criminal case.

6) The petitioners shall not intimidate or attempt to influence the witnesses.

7) The petitioners shall co-operate with investigation of the 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.

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

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

NS

P.A. To Judge