

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 25TH DAY OF AUGUST 2015/3RD BHADRA, 1937

Bail Appl..No. 5121 of 2015 ()

AGAINST THE ORDER IN CMP 7742/2015 of J.M.F.C.-I, HOSDRUG DTD 07-08-2015
CRIME NO. 92/2015 OF RAJAPURAM POLICE STATION , KASARGOD

PETITIONER/ACCUSED:

SALAM @ MUHAMMED P.A. AGED 40 YEARS
S/O.PARIYARAM ABBAS, MOONNAMKADAVU HOUSE, PERIYA P.O.
PERIYA VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT.

BY ADVS.SRI.S.SREEKUMAR (SR.)
SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA
SRI.AJAY BEN JOSE

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR: SMT SHEEBA M T

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 25-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SUNIL THOMAS, J.

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B.A.No.5121 of 2015

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Dated this the 25th day of August, 2015

ORDER

The first accused in Crime No.92 of 2015 of Rajapuram Police Station, Kasaragod for offences punishable under Sections 324, 326,307, 427 and 506(ii) r/w Section 34 of the Indian Penal Code is the petitioner herein.

2. The allegation of the prosecution is that on 26.02.2015 while the de facto complainant was driving a vehicle along with the second accused, the first accused came from the opposite direction in another car and using his own vehicle as a weapon rammed against them. There is an allegation that thereafter the petitioner and others came out of the vehicle and attacked the de facto complainant with a sword and jackey lever. The de facto complainant sustained serious injuries and was admitted in the hospital. Pursuant to the complaint lodged, crime was registered and thereafter, the accused was arrested on 07.08.2015 and is in custody since then.

3. Learned counsel for the petitioner vehemently contended that it was a road accident and the police have altered it to a case of one for commission of criminal offences. The available materials indicate that the injured had sustained a fracture on the 5th rib, fracture on the right elbow which was a compound fracture and a fracture of the tooth. There was yet another fracture of the ulna. Evidently, serious injuries have been caused. The records also indicate that the accused was involved in 5 other cases which are all of serious nature. However, that by itself cannot be a ground for rejecting the bail especially when the investigation has substantially progressed. Considering these facts, I am inclined to grant bail to the petitioner but subject to stringent conditions:

(i) Petitioner shall execute a bond for a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) with two sureties for the like sum each to the satisfaction of the jurisdictional Court.

(ii) He shall appear before the Investigating Officer on all Mondays, Wednesdays and Saturdays between 9 a.m. and 10 a.m. till final charge is laid in this case.

(iii) He shall also, at the time of execution of the bond, surrender his passport if any, before

the learned magistrate and if not, file an affidavit in this regard.

(iv) Petitioner shall co-operate with the investigation, shall not threaten, coerce or intimidate the witnesses in any manner.

Sd/-
SUNIL THOMAS
Judge

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