

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

Bail Appl..No. 5171 of 2015

CRIME NO. 457/2015 OF KARIPPUR POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S)/1ST ACCUSED :

**ABDUL SAMAD T.P., AGED 44 YEARS,
S/O.ABU HAJI, VADAKKATTU PARAMBU CHOLAMAD,
CALICUT AIRPORT (POST), KONDOTTY TALUK,
MALAPPURAM DISTRICT.**

BY ADV. SRI.P.K.MOHANAN(PALAKKAD)

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.5171 of 2015

Dated this the 1st day of October, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.457 of 2015 of Karippur Police Station registered for offences punishable under Sections 341, 323, 324, 326 and 506(i) read with Section 34 of the Indian Penal Code.

3. It is alleged that on 20.06.2015 at 12 O' clock, the accused stopped the car driven by the defacto complainant, criminally intimidated him and attacked him by using iron rod resulting in fracture of left leg.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that actually defacto complainant is the assailant and in the incident the petitioner sustained fracture to his vertebra. He is in hospital. The case that an iron rod was used to attack the defacto complainant by the petitioner is a false story. Learned Prosecutor submitted that recovery of the iron rod said to have been used is effected.

Considering the nature of allegations and the existence of

counter case, the stage of enquiry and the relationship between the parties, the following directions are issued:

i. Petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation. Thereafter he shall execute a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in Crime No.457 of 2015 of Karippur Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. Petitioner shall appear before the Investigating Officer as and when directed in writing and co-operate with the investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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