

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Bail Appl..No. 5308 of 2015

CRIME NO. 835/2015 OF KODANAD POLICE STATION, ERNAKULAM
.....

PETITIONER(S)/ACCUSED NOS.1,2 & 3:

1. SAJU, AGED 43 YEARS,
S/O.PATHROSE, MANIYACHERY VEEDU, ICARAMURI KARA,
KOOVAPPADY VILLAGE, ERNAKULAM DISTRICT.
2. WILSON, AGED 43 YEARS,
S/O.OUSEPH, MANIYACHERY VEEDU, ICARAMURI KARA,
KOOVAPPADY VILLAGE, ERNAKULAM DISTRICT.
3. BINOY, AGED 38 YEARS,
S/O.OUSEPH, MANIYACHERY VEEDU, ICARAMURI KARA,
KOOVAPPADY VILLAGE, ERNAKULAM DISTRICT.

**BY ADVS.SRI.ANIL K.MOHAMMED
SRI.V.S.MANSOOR**

RESPONDENT(S)/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
SESSIONS COURT, ERNAKULAM.
- * ADDITIONAL R2 & R3 IMPEADED
2. THOMAS, S/O.OUSEPH,
CHULLY HOUSE, PAPPANKUDY,
OOVAPPADY VILLAGE, ERNAKULAM DISTRICT.
3. JOHNSON, S/O.OUSEPH,
CHULLY HOUSE, PAPPANKUDY,
OOVAPPADY VILLAGE, ERNAKULAM DISTRICT.
- * ADDITIONAL R2 & R3 IMPEADED AS PER ORDER DTD.30.9.2015 IN
CRL.MA.9347/2015.

**R1 BY PUBLIC PROSECUTOR SMT.R.REMA
R2 & R3 BY ADV. SRI.S.MOHAMMED AL RAFI**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A.No.5308 of 2015

Dated this the 30th day of September, 2015

O R D E R

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are the accused in Crime No.835 of 2015 of Kodanadu Police Station registered for the offences punishable under Sections 341, 324, 506(ii), 323 and 308 r/w Section 34 of the Indian Penal Code.

3. The prosecution case is that the *de facto* complainant questioned the act of the accused whereby they uttered obscene words against the *de facto* complainant and due to that enmity on 18.07.2015 at about 08.00 p.m., they wrongfully restrained the *de facto* complainant and attacked with some weapon causing injury on his head.

4. Heard the learned counsel for the petitioners, the learned counsel for the *de facto* complainant and learned Public Prosecutor.

5. Learned counsel appearing for the *de facto*

complainant submitted that the matter has been settled between the parties.

6. Reckoning the nature of allegations and subsequent events, I am inclined to grant anticipatory bail to the petitioners with the following conditions:

- (a) Petitioners shall surrender before the Investigating Officer within a period of 'one week' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on their executing a bond for ₹25,000/- (Rupees Twenty Five Thousand Only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioners shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) The petitioners shall co-operate with the investigation of the case.

- (d) The petitioners shall not intimidate or attempt to influence the witnesses.
- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) Petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A to Judge