

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Bail Appl.No. 5350 of 2015

CRIME NO. 887/2015 OF MATTANCHERRY POLICE STATION, ERNAKULAM
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PETITIONER(S)/ACCUSED:

**SHAJI K.A., AGED 36 YEARS,
S/O. ABOOBACKER, 3/786, KALLUNGAL, ERAVELI,
CHIRAPURAM, MATTANCHERY.**

**BY ADVS.SRI.SALIM V.S.
SRI.H.NUJUMUDEEN**

RESPONDENT(S)/COMPLAINANTS:

**STATE OF KERALA,
THROUGH S.H.O. , MATTANCHERRY POLICE STATION,
ERNAKULAM DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
ERNAKULAM, PIN-682 031**

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

msv/

A.HARIPRASAD, J.

B.A. No.5350 of 2015

Dated this the 9th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.887 of 2015 of Mattanchery Police Station registered for offences punishable under Sections 324 and 452 of the Indian Penal Code.

3. Prosecution case, in short, is that on 12.08.2015 at about 2.00 p.m., while the defacto complainant was sitting in the varandha of his house, petitioner trespassed into the house and attacked the defacto complainant using an iron rod, causing injury on the forehead.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. Learned counsel for the petitioner submitted that the parties are residing in a single compound having an extent of four cents. There is a common gate for entering the compound. There is some dispute regarding user of the gate and that resulted in the incident.

Considering the nature of allegations and the injuries sustained, following directions are issued:

i. Petitioner shall appear before the investigating officer

within a period of two weeks and submit himself for interrogation. Thereafter he shall execute a bond for ₹25,000/- (Rupees twentyfive 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.887 of 2015 of Mattanchery 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 for the purpose of investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the learned Magistrate having jurisdiction is empowered to cancel the bail in accordance with law without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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