

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

Bail Appl..No. 5450 of 2015

CRIME NO. 1462/2015 OF COCHIN KASBA POLICE STATION , ERNAKULAM

APPLICANT(S)/ACCUSED NO.1 & 2:

- 1. SHAJEER K.A., AGED 31 YEARS,
S/O.ANWAR BASHA, KANDATHIL PARAMBU, PALLURUTHY,
ERNAKULAM DISTRICT.**
- 2. JUF AIR P.A, AGED 29 YEARS,
S/O.ABOOBECKER, PUTHIYAVEETIL HOUSE, VALIAVEEDU LANE,
PALLURUTHY, ERNAKULAM DISTRICT.**

BY ADV. SRI.THOMAS J.ANAKKALLUNKAL

RESPONDENT/ COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A. HARIPRASAD, J.

Bail Appl. No.5450 of 2015

Dated this the 16th day of September 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.1 and 2 in Crime No.1462 of 2015 of Cochin Kaska Police station registered for the offences punishable under Secs.308, 324 and 341 read with Sec.34 of the Indian Penal Code. The prosecution case is that on 19.08.2015 at about 9.30 p.m., while the defacto complainant was riding a bike, the petitioners 2 and 3, who came on another bike, blocked him and attacked him with a knife.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. Learned counsel for the petitioner submitted that no injuries to attract the offences under Secs.324 and 308 IPC could be revealed even from the materials relied on by the prosecution.

5. Learned Public Prosecutor opposed the bail application contending that the petitioners are involved in

other crimes. Learned Public Prosecutor produced the wound certificate for perusal.

6. Even though it is alleged that a knife was used to attack the defacto complainant no corresponding injuries could be seen from the wound certificate.

7. Considering the nature of allegations, I am inclined to grant anticipatory bail to the petitioner with the following conditions.

1. The petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation. Thereafter, he shall be released on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

2. He shall appear before the investigating officer between 10.00 a.m. and 11.00 a.m. on every Monday and

Thursday until the final report is filed.

3. He shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

4. He shall not involve in any other offence during the period of bail.

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

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

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P.A. To Judge