

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR**

**FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937**

**Bail Appl..No. 5459 of 2015 ()**

**CRIME NO. 1127/2015 OF POOJAPPURA POLICE STATION, THIRUVANANTHAPURAM**

**PETITIONER(S)/A1 & A2:**

- 1. NAZEER, AGED 38 YEARS,  
S/O. THAJUDEEN, T.C. 20/1425, PALLIVILAKOM PURAYIDOM,  
KUNJALUMOODU, KARAMANA, THIRUVANANTHAPURAM.**
- 2. BADUSHA, AGED 35 YEARS,  
S/O. ABDUL RASHEED, T.C. 19/1278, METHOTTUKUZH VEEDEU,  
KUNJALUMOODU, KARAMANA, THIRUVANANTHAPURAM.**

**BY ADV. SRI. SHAJIN S. HAMEED**

**RESPONDENT/STATE:**

**STATE OF KERALA,  
REPRESENTED THROUGH THE SUB INSPECTOR OF POLICE,  
POOJAPPURA POLICE STATION,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT. LALIZA. T. Y.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 18-09-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**sts**

**B.SUDHEENDRA KUMAR, J.**

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**B.A.No. 5459 of 2015**  
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Dated this the 18<sup>th</sup> day of September, 2015

**ORDER**

The petitioners are the accused in crime no.1127/2015 of Poojappura Police Station, registered under Sections 323, 308, 506(i) and 294(b) r/w 34 IPC.

2. The petitioners have filed this application under Section 438 Cr.P.C

3. The prosecution allegation is that on 13.08.2015, at about 6 p.m., the petitioners uttered obscene words against the de-facto complainant and caught hold of his shirt. The petitioners also beat the de-facto complainant with a piece of wood causing injuries on him.

4. Heard. The learned Public Prosecutor has no serious objection in allowing this application.

5.The de-facto complainant did not sustain any serious injury in the incident. The de-facto complainant

and the petitioners are neighbours. Considering the facts and circumstances of the case, I am of the view that the custodial interrogation of the petitioners is not necessary for the progress of investigation of this case. In the said circumstances, an order under Section 438 Cr.PC will be justified in this case.

6. In the result, this bail application stands allowed and the respondent is directed to release the petitioners on bail in the event of their arrest in crime No.1127/2015 of Poojappura Police Station, on condition of each of the petitioners executing a bond for Rs.25,000/- (rupees twenty five thousand only) each with two solvent sureties each, each for the like sum to the satisfaction of the Sub Inspector of Police, Poojappura Police Station, before whom the petitioners shall surrender within 10 days from today, if not already arrested, and subject to the following further conditions:

- 1) The petitioners shall report before the investigating officer as and when required by

the investigating officer in writing.

2) The petitioners shall not get involved in any offence while they are on bail.

3) The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.

Sd/-  
**B.SUDHEENDRA KUMAR**  
**JUDGE**

//TRUE COPY//

P.A.TO JUDGE

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