

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 4TH DAY OF DECEMBER 2015/13TH AGRAHAYANA, 1937

Bail Appl..No. 5607 of 2015 ()

CRIME NO. 1518/2015 OF CHATHANNOOR POLICE STATION, KOLLAM DISTRICT

PETITIONER/ACCUSED (STATUS NOT KNOWN) :

**NISHAD
AGED 25 YEARS, (STATUS NOT KNOWN),
S/O.MUHAMMED SHAFI, UMAIMUTH MAZIL,
MEENADU EAST, CHATHANNOOR P.O.
KOLLAM DISTRICT.**

**BY ADVS.SRI.BINU GEORGE
SMT.HEMALATHA**

RESPONDENT/STATE :

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

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-12-2015,
ALONG WITH BA NO. 5865/2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A.Nos.5607 & 5865 of 2015

Dated this the 4th day of December, 2015

C O M M O N O R D E R

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

2. Petitioners are accused 1 & 4 in Crime No.1518 of 2015 of Chathannoor Police Station registered for the offences punishable under Sections 143, 147, 148, 294(b), 341, 323 and 326 r/w Section 149 of the Indian Penal Code.

3. Prosecution case is that on 17.08.2015 at about 10.30 p.m., the defacto complainant came to a petrol pump for filling petrol in his vehicle. At that time, accused persons picked up a quarrel with him and the first accused attacked him with a iron block causing a nasal bone fracture. Other accused persons abused and manhandled the defacto complainant.

4. Heard both sides.

5. After hearing the learned counsel on both sides and considering the nature of the allegations against the first accused, I am not inclined to grant pre-arrest bail to

him. Hence, his bail application will stand dismissed.

6. Insofar as the 4th accused is concerned, I am inclined to grant bail to him. Hence, the following directions are issued.

- (a) The petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. Thereafter, he shall be released on bail on executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioner shall appear before the Investigating Officer on all Saturdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (c) The petitioner shall co-operate with the investigation of the case.
- (d) The petitioner shall not intimidate or

attempt to influence the witnesses.

- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) The petitioner 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