

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. 5625 of 2015

CRIME NO. 1416/2015 OF OLLUR POLICE STATION , THRISSUR DISTRICT

PETITIONER(S)/ACCUSED :

**RAJU, AGED 39 YEARS,
S/O.BABY, CHIRAYATH HOUSE, CHRISTOPHER NAGAR DESOM,
OLLUR VILLAGE, THRISSUR DISTRICT.**

BY ADV. SRI.RAJIT

RESPONDENT(S) :

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

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

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

Msd.

A.HARIPRASAD, J.

B.A. No.5625 of 2015

Dated this the 30th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the sole accused in Crime No.1416 of 2015 of Ollur Police Station registered for offences punishable under Sections 341, 323, 324, 326, 294(b) and 506(ii) of the Indian Penal Code.

3. Prosecution case is that on 06.08.2015 at 10.00 p.m. the petitioner with an intention to attack the defacto complainant, when he entered Kuttanellur Regency Club, assaulted him with a beer bottle and caused nasal bone fracture and other injuries.

4. Heard both sides.

5. Learned counsel contended that the petitioner is an employee of the Club. The defacto complainant in an inebriated state demanded more liquor even after the bar was closed. In the scuffle, he fell down and sustained fracture of the nasal bone is the case of the petitioner.

6. I have perused the wound certificate in the case diary which shows fracture of nasal bone and maxila sustained by the defacto complainant. The case borne out from the wound certificate is that four persons attacked the defacto complainant at the time of occurrence.

Petitioner is the only accused in the crime for the time being. Considering the nature of allegations, petitioner is entitled to get pre-arrest bail. Hence, the following order:

i. Petitioner shall surrender 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.1416 of 2015 of Ollur 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 in writing and co-operate with the investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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