

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

Bail Appl..No. 5692 of 2015 ()

CRIME NO. 454/2015 OF AGALI POLICE STATION , PALAKKAD DISTRICT

PETITIONER/ACCUSED 1:

**YOUSUF HAJI,S/O.KUNJAPPA, AGED 54 YEARS,
PATTAMTHODI HOUSE, KUNNUMPURAM,
NATTUKAL, PALAKKAD DISTRICT.**

**BY ADVS.SRI.SEBASTIAN PAUL
SRI.S.VIJAYAKUMAR (NALLOOR)
SMT.LIZAMMA AUGUSTINE
SRI. RON BASTIAN
SMT.SABEENA P.ISMAIL**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
AGALI POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B. SUDHEENDRA KUMAR, J.

Bail Appl. No.5692 of 2015

Dated this the 25th day of September 2015

ORDER

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

2. The petitioner is the 1st accused in Crime No.454 of 2015 of Agali Police station registered under Secs.323, 324 and 452 read with Sec.34 of the Indian Penal Code.

3. The prosecution case is that, on 07.08.2015 at 10.30 p.m., the petitioner and the other accused trespassed into the house of the defacto complainant and attacked him with the knife, and when the wife of the defacto complainant attempted to intervene, the petitioner kicked her.

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

5. The learned Public Prosecutor has submitted that the petitioner is not involved in any other offence of similar nature.

6. Perused the case diary. It appears from the

wound certificate appended to the case diary that the defacto complainant and his wife did not sustain any serious injury in the incident.

6. Considering the facts and circumstances of the case, I am of the view that this is not a case where custodial interrogation of the petitioner is necessary for the progress of investigation of the case. In the said circumstances, an order under Sec.438 Cr.P.C. in favour of the petitioner will be justified in this case.

In the result, the bail application stands allowed and the respondent is directed to release the petitioner on bail in the event of his arrest in connection with Crime No.454 of 2015 of Agali Police station on condition of the petitioner 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 Sub Inspector of Police, Agali Police station before whom the petitioner shall surrender within ten days from today, if not already arrested, and subject to

the following further conditions.

1. The petitioner shall report before the investigating officer for interrogation on every Monday between 9.00 a.m. and 11.00 a.m. for a period of three months and thereafter, as and when required by the investigating officer in writing to do so.

2. The petitioner shall not get involved in any offence during the pendency of this case.

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

Sd/-

**B. SUDHEENDRA KUMAR
JUDGE**

/ True Copy /

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P.A. To Judge