

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Bail Appl..No. 5823 of 2015

CRIME NO. 1598/2015 OF SASTHAMCOTTA POLICE STATION, KOLLAM DISTRICT,
.....

PETITIONER(S)/ACCUSED A1 & 2:

- 1. SAHID, AGED 18 YEARS, S/O.SALAHUDEEN,
KANIYAMPARAMPIL VADAKKATHIL,
SOUTH MYNAGAPPALLY, MYNAGAPPALLY VILLAGE,
KUNNATHOOR THALUK, KOLLAM DISTRICT.**
- 2. ANAS, AGED 18 YEARS, S/O.SHAJAHAN,
CHIRAYUDE VADAKKATHIL, KADAPPA,
MYNAGAPPALLY VILLAGE, KUNNATHOOR THALUK,
KOLLAM DISTRICT.**

BY ADV. SRI.P.V.DILEEP

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A.No.5823 of 2015

Dated this the 28th day of September, 2015

ORDER

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

2. Petitioners are the accused 1 and 2 apprehending arrest in Crime No.1598 of 2015 of Sasthamcotta Police Station registered for the offences punishable under Sections 341, 294(b), 323, 324 and 326 r/w Section 34 of the Indian Penal Code.

3. The prosecution allegation against the petitioners is that on 07.09.2015 the petitioners attacked the *de facto* complainant and caused injuries. It is alleged that the first petitioner attacked the *de facto* complainant with a freewheel of a motor cycle causing injury on the right side of the nose result in a fracture of nasal bone. Second accused attacked the *de facto* complainant with the key of a motor cycle.

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

5. Learned counsel for the petitioners submitted

that the petitioners are youngsters and not involved in any other offence earlier.

6. Learned Public Prosecutor opposed the bail application contending that recovery of the weapon of oppression has to be effected.

7. Reckoning the entire facts and circumstances of the case, I am not inclined to grant pre-arrest bail to the first petitioner. Therefore, his bail application will stand dismissed. Second petitioner is granted bail with the following conditions:

- (a) Petitioner shall surrender before the Investigating Officer within a period of 'one week' from today and submit himself for interrogation. Thereafter, he shall be released on bail on his 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) One of the sureties shall be parents or

sibling or close relatives of the petitioner.

- (c) The petitioner shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (d) The petitioner shall co-operate with the investigation of the case.
- (e) The petitioner shall not intimidate or attempt to influence the witnesses.
- (f) The petitioner shall not in any manner interfere or meddle with the investigation.
- (g) 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

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P.A to Judge