

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. 5833 of 2015

CRIME NO. 452/2015 OF SHORNUR POLICE STATION , PALAKKAD DISTRICT

PETITIONER(S)/ACCUSED 1, 2 & 4 :

1. SAJAN LAL, AGED 22 YEARS,
S/O.JAYARAJAN, JAYARAJAN, KUNNATH HOUSE,
KULAPPULLY, SHORNUR -2.
2. PRASANTH, AGED 22 YEARS,
S/O. SIVAPRASAD, PAREYANGATTU HOUSE, KULAPPULLY,
SHORNUR - 2.
3. AKHILDEV, AGED 21 YEARS,
S/O.GIRISH, KAIPANKUNNATH, KULAPPULLY,
SHORNUR.

BY ADV. SRI.D.AJITHKUMAR

RESPONDENT(S)/COMPLAINANT :

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
2. SUB INSPECTOR OF POLICE,
SHORNUR POLICE STATION, PALAKKAD - 679 121.

BY SR.PUBLIC PROSECUTOR SRI.C.RASHEED

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

Msd.

A.HARIPRASAD, J.

B.A.No.5833 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, 2 and 4 in Crime No.452 of 2015 of Shornur Police Station registered for the offences punishable under Sections 324, 326, 427 and 448 r/w Section 34 of the Indian Penal Code.

3. Prosecution allegation is that on 12.07.2015 at about 09.15 p.m., the petitioners trespassed into the shop of the *de facto* complainant and the second accused attacked him with a granite piece causing fracture of cheek bone.

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

5. Learned Public Prosecutor contended that custodial interrogation of the second accused may be necessary for recovery of the material object. Prosecution has no case that the other accused used any weapon against the *de facto* complainant. Hence, I find that the

second accused is not entitled to get anticipatory bail in this case. Insofar as the accused 1 and 4 were concerned, they shall be granted anticipatory bail with the following conditions:

- (a) Petitioners shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on their executing a bond for ₹25,000/- (Rupees Twenty Five Thousand Only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioners shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) The petitioners shall co-operate with the investigation of the case.
- (d) The petitioners shall not intimidate or

attempt to influence the witnesses.

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