

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

Bail Appl..No. 5951 of 2015

CRIME NO. 133/2015 OF MANNARKKAD POLICE STATION, PALAKKAD
.....

PETITIONER(S)/ACCUSED NO 4 AND 5:

- 1. MUSTHAFA, AGED 52 YEARS,
S/O.MUHAMMED, OTHUKUMPURATH, THIRUVIZHAMKUNNU,
MANNARKKAD, PALAKKAD DISTRICT.**
- 2. BASHEER, AGED 55 YEARS,
S/O.KUNJAVARAN, OTHUKUMPURATH, THIRUVIZHAMKUNNU,
MANNARKKAD, PALAKKAD DISTRICT.**

BY ADV. SRI.R.O.MUHAMED SHEMEEM

RESPONDENT(S)/COMPLAINANT:

- 1. SUB INSPECTOR OF POLICE,
MANNARKKAD POLICE STATION, MANNARKKAD,
PALAKKAD DISTRICT.**
- 2. 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
09-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.5951 of 2015

Dated this the 9th day of October, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.133 of 2015 of Mannarkkad Police Station. The offences alleged are under Sections 143, 147, 148, 149, 307, 324, 341 and 506(ii) of the Indian Penal Code.

3. Prosecution case is that on 31.01.2015 at 15.00 hours, while the defacto complainant was travelling on the pillion of a motor cycle, the accused persons came in a car and waylaid them. Thereafter they attacked him with iron rod, stick, etc. and the defacto complainant sustained injuries.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that there is no material available with the prosecution to show that there was an attempt to commit murder and the defacto complainant sustained no serious injury in the incident. It is also submitted that this case is a counter blast to Annexure-2 crime registered against the defacto complainant.

6. Learned Prosecutor submitted that the injuries revealed from the wound certificate are of not very serious in nature. Therefore, the following order is passed:

i. Petitioner shall surrender before the investigating officer within a period of one week 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.133 of 2015 of Mannarkkad 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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