

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Bail Appl..No. 5996 of 2015

CRIME NO. 2818/2015 OF ALUVA EAST POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED NOS.1 TO 3:

1. **ANILKUMAR, S/O.CHANDRAN, AGED 38 YEARS,
MUNDUMAKKAL HOUSE, NAVARSHMI NAGAR, EDATHALA P.O.,
ALUVA EAST VILLAGE, ALUVA TALUK,
ERNAKULAM DISTRICT-683561.**
2. **SUNILKUMAR, S/O.CHANDRAN, AGED 36 YEARS,
MUNDUMAKKAL HOUSE, NAVARSHMI NAGAR, EDATHALA P.O.,
ALUVA EAST VILLAGE, ALUVA TALUK,
ERNAKULAM DISTRICT-683561.**
3. **KRISHNAKUMAR, S/O.CHANDRAN, AGED 34 YEARS,
MUNDUMAKKAL HOUSE, NAVARSHMI NAGAR, EDATHALA P.O.,
ALUVA EAST VILLAGE, ALUVA TALUK,
ERNAKULAM DISTRICT-683561.**

**BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.C.Y.VINOD KUMAR**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA
(REPRESENTED BY THE SUB INSPECTOR OF POLICE
ALUVA EAST POLICE STATION - CR.NO.2818/2015 OF
ALUVA EAST POLICE STATION),
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A No.5996 of 2015

Dated this the 19th day of November, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 3 in Crime No.2818 of 2015 of Aluva East Police Station registered for offences punishable under Sections 452, 323, 324 and 326 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that the defacto complainant is conducting a butcher shop and the accused persons submitted a petition before the authorities to shift the shop. That act was questioned by the defacto complainant and due to that hostility on 23-08-2015 at about 5.30 p.m., the accused persons attacked the defacto complainant causing extensive injuries to his hand and fracture to bones. The wound certificate in the case diary shows that the defacto complainant sustained lacerated wound dorsum of left hand, open fracture of 5th metacarpal base and fracture of carpal bones involved in tendon injury.

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

5. Considering the nature of allegation that accused Nos.1 and 2 used weapon for causing the injury, I am not inclined to grant pre-arrest bail to accused Nos.1 and 2. Their bail applications will stand dismissed. But, bail is granted to the third petitioner (third accused) with following directions :

1. Third petitioner shall surrender before the investigating officer within a period of two weeks from today and submit himself for interrogation. In that event, he shall be released on bail on 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 Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency. The Investigating Officer need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. Petitioner shall appear before the Investigating

Officer as and when directed.

4. Petitioner shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

**Sd/-
A.HARIPRASAD,
JUDGE.**

//True copy//

P.A to Judge

amk