

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

Bail Appl..No. 6033 of 2015

CRIME NO. 1290/2015 OF PAYYANNUR POLICE STATION, KANNUR

PETITIONER(S)/ACCUSED (RANK NOT KNOWN):

1. ASEER A.P., AGED 28 YEARS,
S/O.NABEESA A.P., A.P.HOUSE, KANIYERI,
VELLUR P.O., PAYYANUR, KANNUR DISTRICT,
PIN 670307.
2. DHANEESH.P, AGED 36 YEARS,
S/O.M.DAMODARAN, MADAKKA HOUSE, KANDANKALI P.O.,
PAYYANNUR, KANNUR DISTRICT- 670307.

**BY ADVS.SRI.RILGIN V.GEORGE
SRI.ANEESH JOSEPH
SRI.NIRMAL V NAIR**

RESPONDENT(S)/COMPLAINANT& STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI-682031.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A. HARIPRASAD, J.

Bail Appl. No.6033 of 2015

Dated this the 20th day of November 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioners are the accused in Crime No.1290 of 2015 of Payyannur Police station registered for the offences punishable under Secs.308, 323, 324 and 341 read with Sec.34 of the Indian Penal Code. Prosecution case is that on 17.09.2015 at about 5.00 p.m., while the defacto complainant was travelling on a motorbike, the petitioners came on another motorbike and waylaid them. Thereafter, the 1st accused attacked the defatco complainant with a knife and the 2nd accused beat him with hand.

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

4. Learned counsel for the petitioners submitted that the incident is not as stated by the prosecution. In fact, the petitioners were attacked by the defacto complainant and his supporters on the same day

almost at the same time and a crime in connection with that has registered as Crime No.1289 of 2015 for the offences under Sec.341, 323, 324 and 308.

5. Learned Public Prosecutor opposed the bail application.

After hearing the learned counsel on both sides and after perusing the report submitted for scrutiny, I am of the view that custodial interrogation of the 1st petitioner (1st accused) is necessary for recovery of the knife allegedly used in the incident. In so far as the 2nd petitioner (2nd accused) is concerned, the allegation is that he fisted the defacto complainant. Hence, following directions are issued. Bail Plea of the 1st petitioner/1st accused is denied.

1. The 2nd petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation.

2. In the event of arrest, the 2nd petitioner shall be released on his 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.

3. The 2nd petitioner shall not enter the
local limits of Payyannur Police station except
for complying with the conditions in the bail
order for a period of three months.

4. The 2nd petitioner shall appear before
the Investigating Officer for interrogation as
and when directed by him in writing.

5. The 2nd petitioner shall not intimidate or
attempt to influence the witnesses, nor shall
he tamper with the evidence.

In case of violation of any of the above
conditions, the learned Magistrate is empowered to
cancel the bail in accordance with law without referring
the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /