

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

Bail Appl..No. 6162 of 2015 ()

CRIME NO. 823/2015 OF MULANTHURUTHY POLICE STATION,ERNAKULAM DISTRICT

PETITIONER(S):

- 1. VISHNU M.S., AGED 29 YEARS,
MUTHIRAPARAMBIL HOUSE, MULANTHURUTHY.**
- 2. BINU M.J., AGED 31 YEARS,
MANNATHARAYIL HOUSE, MULANTHURUTHY.**

BY ADV. SRI.P.P.JACOB

RESPONDENT(S):

- 1. THE STATION HOUSE OFFICER,
MULAMTHURUTHY POLICE STATION,
MULAMTHURUTHY, ERNAKULAM, PIN - 682 314.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No.6162 of 2015

Dated this the 12th day of October, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are the accused in Crime No.823 of 2015 of Mulanthuruthy Police Station registered for offences punishable under Sections 323, 324, 326, 427 and 506(i) read with Section 34 of the Indian Penal Code.

3. It is alleged that on 20.09.2015 at about 8.00 p.m., the accused persons attacked the defacto complainant by using a helmet. First accused (first petitioner) used the helmet and thereby the defacto complainant caused a fracture of ribs. There is no allegation that the second accused (second petitioner) used any weapon.

4. Heard both sides.

5. After hearing learned counsel for the petitioners and the learned Prosecutor, I am of the view that a pre-arrest bail can be granted to the second petitioner. The first petitioner shall surrender before the investigating officer and thereafter he shall be produced before the

Magistrate having jurisdiction. Hence the following orders:

i. In the event of arrest in Crime No.823 of 2015 of Mulanthuruthy Police Station, the second petitioner (second accused) shall be released on bail on executing 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.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. He 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 second petitioner as if no order is passed.

First petitioner (first accused) shall surrender before the investigating officer within a period of one week and submit himself for interrogation. Thereafter, the investigating officer shall produce him before the Magistrate having jurisdiction on the date of surrender itself. In that event, he is free to move for bail and the learned Magistrate shall consider the application on merits as expeditiously as possible, if possible on the date of production itself. If he does not surrender before the investigating officer within the

said time, the investigating officer is free to arrest him, as if no order is passed in this case.

A. HARIPRASAD, JUDGE.

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