

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Bail Appl..No. 6292 of 2015 ()

**CRIME NO. 2511/2015 OF THRISSUR TOWN EAST POLICE STATION,
THRISSUR DISTRICT**

PETITIONER(S)/ACCUSED 1 & 2:

- 1. PRASANTH, S/O.ANTONY, AGED 33 YEARS,
PULIKKAN HOUSE, MAHATMA STREET,
PARAVATTANI, OLLUKKARA P.O., THRISSUR DISTRICT.**
- 2. BINISH, S/O.PARAMESWARAN,AGED 23 YEARS,
KIZHAKKEPURACKAL HOUSE,
EAST FORT P.O., PARAVATTANI, THRISSURDISTRICT.**

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SMT.MEGHA K.XAVIER**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE,
THRISSUR TOWN EAST POLICE STATION, THRISSUR DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OFKERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A.No.6292 of 2015

Dated this the 14th day of October, 2015

O R D E R

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.1 and 2 in Crime No.2511 of 2015 of Thrissur Town Police Station registered for the offences punishable under Sections 341, 323, 326 and 427 r/w Section 34 of the Indian Penal Code.

3. Prosecution allegation is that due to enmity towards the defacto complainant the accused persons on 13.09.2015 at 11.00 p.m., restrained the defacto complainant and then the first accused fisted him on his face and head causing the loss of three teeth.

4. Heard both sides.

5. Leaned Public Prosecutor produced the C.D. for perusal. There are allegations against the first petitioner/first accused that he used some kind of a hitting block and the defacto complainant lost three teeth in the assault. Wound certificate also shows the materials

against the first petitioner. Case against the second petitioner is that he restrained the defacto complainant at the time when the other man attacked.

6. After considering the facts and circumstances, I am of the view that the first petitioner/first accused is not entitled to get pre-arrest bail. Therefore, the application in respect of the first petitioner will stand dismissed. Insofar as the second petitioner is concerned, I am inclined to grant bail to him with the following conditions:

- (a) The 2nd petitioner shall surrender before the Investigating Officer within a period of 'one week' from today and submit himself for interrogation. Thereafter, he shall be released on bail on executing a bond for ₹25,000/- (Rupees Twenty Five Thousand Only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.
- (b) The 2nd petitioner shall appear before the Investigating Officer as and when required

for the purpose of interrogation.

- (c) The 2nd petitioner shall not intimidate or attempt to influence the witnesses.
- (d) The 2nd petitioner shall not in any manner interfere or meddle with the investigation.
- (e) The 2nd petitioner 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