

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 6322 of 2015

CRIME NO. 1736/2015 OF OLLUR POLICE STATION, THRISSUR.
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APPLICANTS/ACCUSED:

1. **BOJAN, AGED 49 YEARS, S/O. BALAN,
EDAKKADAN HOUSE, CHERUKUNNU,
VETTUKKAD, THRISSUR DISTRICT.**
2. **MIDHUN, AGED 26 YEARS,
S/O. SUNILKUMAR, EDAKKADAN HOUSE,
CHERUKUNNU, VETTUKKAD,
THRISSUR DISTRICT.**
3. **VIPIN, AGED 25 YEARS,
S/O. MOHANAN ELAMTHURUTHY HOUSE,
CHERUKUNNU, VETTUKKAD,
THRISSUR DISTRICT.**
4. **ANEESH, AGED 22 YEARS,
S/O.THANKAPPAN, KIZHKKODAN HOUSE,
VARITHODI P.O., THRISSUR DISTRICT.**

**BY ADVS.SRI.SANTHOSH P.PODUVAL
SMT.R.RAJITHA
SMT.VINAYA V.NAIR**

RESPONDENT/STATE DEFACTO COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.6322 of 2015

Dated this the 30th day of October, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime No.1736 of 2015 of Ollur Police Station registered for offences punishable under Sections 323, 324, 326 read with Section 34 of the Indian Penal Code.

3. Allegation is that on 13.09.2015 at 11.30p.m., the accused persons attacked the defacto complainant and his relative by using iron rod and stone.

4. Heard both sides.

5. Learned Prosecutor submitted the wound certificate for perusal which shows that the defacto complainant sustained closed ulnar barton fracture of right hand. Other injuries are also there. It is alleged that petitioners 1 and 2 used iron rod and stone respectively to attack the defacto complainant. Allegation against petitioners 3 and 4 is that they attacked the defacto complainant with bare hands.

Considering the nature of allegations, I am not inclined to grant pre-arrest bail to petitioners 1 and 2. Insofar as petitioners 3 and 4 are

concerned, following order is passed:

i. In the event of arrest in Crime No.1736 of 2015 of Ollur Police Station, petitioners 3 and 4 shall be released on bail on each one of them 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. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioners shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. They 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 petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

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