

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Bail Appl..No. 6344 of 2015 ()

CrI.MC 1239/2015 of SESSIONS COURT,THALASSERY
CRIME NO. 645/2015 OF KOLAVALLUR POLICE STATION , KANNUR

PETITIONERS/ACCUSED NO.1 & 3:

1. MUHAMMED, AGED 25 YEARS
S/O.ABDULLA, NELLIYADAN, NAMATH HOUSE
KOLAVALLLOOR AMSOM PARAD DESOM, THALASSERY TALUK
2. K.P.SADIQUE, AGED 23 YEARS
S/O.KUNHABDULLA, KARIKKA PARAMBIL HOUSE
KOLAVALLLOOR AMSOM, PARAD DESOM, THALASSERY TALUK.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENTS/STATE:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM-682031 (CRIME NO.645/2015 OF KOLAVALLUR POLICE STATION
KANNUR DISTRICT)
2. STATE HOUSE OFFICER
KOLAVALLOR POLICE STATION
KANNUR DISTRICT (CRIME NO.645/2015 OF
KOLAVALLUR POLICE STATION
KANNUR DISTRICT)

BY PUBLIC PROSECUTOR, MS.R.REMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
19-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Bail Application No.6344 of 2015

Dated this the 19th day of October 2015

O R D E R

The petitioners are accused Nos.1 and 3 in Crime No.645/2015 of Kolavalloor police station registered under Sections 341, 323, 324 and 308 read with Section 34 I.P.C.

2. The allegation of the prosecution is that on 2.8.2015 at 8.30 p.m., while the *de-facto complainant* was travelling on a motor cycle as a pillion rider, the petitioners and the other accused wrongfully restrained him and beat him with hands and also with an iron rod. The petitioners have filed this application praying for the relief under Section 438 Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has no serious objection in allowing the application.

5. It has been submitted by the learned Public Prosecutor that the injured person did not sustain any serious injury in the incident. The petitioners are not involved in any other offence, submitted by the learned Public Prosecutor. Considering the facts and circumstances of the case, including the nature of the injuries sustained by the injured and also taking into consideration of the fact that the petitioners are not involved in any other offence, I am inclined to grant the relief under Section 438 Cr.P.C. in favour of the petitioners.

In the result, this application stands allowed and the respondents are directed to release the petitioners on bail in

the event of their arrest in connection with Crime No.645/2015 of Kolavalloor police station, on condition of each of the petitioners executing a bond for Rs.30,000/- (Rupees thirty thousand only) each with two solvent sureties each, each for the like sum to the satisfaction of the 2nd respondent, before whom the petitioners shall surrender within 10 days from today, if not already arrested, and subject to the following further conditions:

(i) The petitioners shall report before the Investigating Officer on every Monday between 9 a.m. and 11 a.m. for three months and thereafter as and when required by the Investigating Officer in writing.

(ii) The petitioners shall not get involved in any offence during the pendency of this case.

(iii) The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.

**Sd/
B.SUDHEENDRA KUMAR,
JUDGE**

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PA to Judge