

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

Bail Appl..No. 6435 of 2015

CRIME NO. 559/2015 OF KUTTIYADI POLICE STATION, KOZHIKODE
.....

PETITIONER(S)/ACCUSED NO.1:

**CHATHU, S/O.KANARAN, AGED 57 YEARS,
MADATHIL MEETHAL HOUSE, CHERAPURAM, KAKKATTU,
KOZHIKKODE DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI -682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
KUTTIYADI POLICE STATION, KOZHIKODE DISTRICT,
PIN-673 508.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
03-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.6435 of 2015

Dated this the 3rd day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. First accused in Kuttiyadi Police Station Crime No.559 of 2015 registered for offences punishable under Sections 143, 147, 148, 341, 323, 324 and 307 read with Section 149 of the Indian Penal Code seeks pre-arrest bail.

3. It is seen that a group clash between workers of two different political parties had taken place. The incident was on 26.09.2015 at about 9.00 p.m. Both sides sustained injuries in the indiscriminate fight.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner was away at the time of the incident as he was attending to his ailing wife, who was in Lakeshore Hospital, Ernakulam. She is terminally ill. He is falsely implicated in the case of the petitioner.

6. Learned Prosecutor opposed the bail application contending that iron pipes and iron blocks were used in the course of transaction. On perusal of the materials in the case diary, I find no specific allegation of this

petitioner using any weapon. Therefore the following directions are issued:

i. Petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation. Thereafter he shall execute 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. In that event, he shall be released on bail in Crime No.559 of 2015 of Kuttiyadi Police Station.

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. Petitioner shall appear before the investigating officer on all Sundays between 10.00 and 11.00 a.m. until the final report is filed.

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 petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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