

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

Bail Appl..No. 6497 of 2015 ()

CRIME NO. 1045/2015 OF KODANADU POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED NO. 2 :

**ANILKUTTAN
S/O.AYYAPPAN, AGED 38 YEARS
THADANGATTIL HOUSE, ARATTUCHIRA P.O.,
KODANADU, PERUMBAVOOR,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.ANIL K.MUHAMED
SRI.V.S.MANSOOR**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A.No.6497 of 2015

Dated this the 4th day of November, 2015

ORDER

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

2. Petitioner is the second accused in Crime No.1045 of 2015 of Kodanadu Police Station registered for the offences punishable under Sections 326, 324, 294(b) and 506(ii) r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that the accused persons were nurturing hostility towards the defacto complainant and on account of that on 18.09.2015 at 03.10 p.m., the first accused attacked the defacto complainant with an iron rod and inflicted a blow on his hand causing fracture. Second accused (petitioner) used the same iron rod to attack the friend of the defacto complainant who came to the scene to rescue the defacto complainant.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that there is no allegation against him that he caused any injury either on the defacto complainant or his friend by

using the iron rod. The only allegation is that he beat with an iron rod. Wound certificate in the case diary shows that the defacto complainant sustained fracture of shaft of 5th metacarpal on left hand in the attack by the 1st accused.

6. Considering the nature of allegations, I am inclined to grant pre-arrest bail to the petitioner with the following conditions:

- (a) Petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. Thereafter, he shall be released on bail on his 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 petitioner shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) The petitioner shall co-operate with the

investigation of the case.

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