

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

Bail Appl..No. 6576 of 2015

CRIME NO. 1621/2015 OF KOCHI CUSBA POLICE STATION, PALLURUTHY.
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PETITIONER(S)/ACCUSED:

- 1. SABU N.N, S/O NATESHAN, AGED 41 YEARS,
RESIDING AT NAKARATHIL HOUSE, P.D. ROAD,
PALLURUTHY, KOCHI-682 006.**
- 2. LIJESH M.C. @ UNNI, S/O CHANDRAN,
AGED 30 YEARS, MADAVANAPARAMBU HOUSE,
WATER LAND ROAD, PALLURUTHY, KOCHI-682 006.**

BY ADV. SRI.TOM JOSE

RESPONDENT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.6576 of 2015

Dated this the 27th day of October, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime No.1621 of 2015 of Kochi Cusba Police Station registered for offences punishable under Sections 323, 341 and 326 read with Section 34 of the Indian Penal Code.

3. Allegation is that the petitioners beat the defacto complainant on 10.08.2015 and caused fracture of mandible.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the prosecution case is highly artificial. The defacto complainant is a problem maker in the area. He had attacked the brother of the first petitioner and another case is pending. Further contention is that the incident allegedly occurred on 10.08.2015 but the first information statement was given only on 16.09.2015.

6. Learned Prosecutor submitted that the delay has been explained by stating that the defacto complainant was in hospital. But considering the simple nature of injuries, it appears that there is delay in lodging the first information statement. That apart, the materials produced

before the Court would prompt to issue the following directions to meet the ends of justice:

i. Petitioners shall surrender before the investigating officer within a period of one week. After questioning and effecting recovery if any, they shall be permitted to execute a bond for ₹25,000/- (Rupees twentyfive thousand only) each with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, they shall be released on bail in Crime No.1621 of 2015 of Kochi Cusba Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. They 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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