

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. 6654 of 2015

CRIME NO. 1159/2015 OF ALATHUR POLICE STATION, PALAKKAD
.....

PETITIONER(S)/ACCUSED NO.1-4:

1. **BABU, S/O.KUTTAN, AGED 40 YEARS,
PALAMTHONNY, N.S.S.COLLEGE P.O., NEMMARA,
PALAKKAD.**
2. **XAVIER, AGED 47 YEARS,
S/O.ANTHONY, THARUPPARAMBIL VEEDU, VALATHALA,
N.S.S. COLLEGE P.O., NEMMARA, PALAKKAD.**
3. **SREENI @ RAJENDRAN, AGED 40 YEARS,
S/O.MADHAVAN, NORTH VILLAGE, NEMMARA,
PALAKKAD.**
4. **RAGHAVAN, AGED 45 YEARS,
S/O.KITTA, NORTH VILLAGE, NEMMARA,
PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.R.REMA

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

msv/

A. HARIPRASAD, J.

Bail Appl. No.6654 of 2015

Dated this the 30th day of October 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.1 to 4 in Crime No.1159 of 2015 of Alathur Police station registered for the offences punishable under Secs.341, 323, 294(b), 308 and 427 read with Sec.34 of the Indian Penal Code. Prosecution case is that, on 11.10.2015 at about 2.00 p.m., the accused persons attacked the defacto complainant with stone after uttering abusive words.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. Learned counsel for the petitioners contended that merely to make the case a non bailable one, Sec.308 IPC is added in this case.

5. I have perused the case diary. Materials in the case diary including the wound certificate and discharge certificate do not show any serious injury to attract prima facie an offence under Sec.308 IPC.

Therefore, following directions are issued.

In the event of arrest of the petitioner in Crime No.1159 of 2015 of Alathur Police station, he shall be released on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the arresting officer.

2. The petitioner shall appear before the Investigating Officer for interrogation as and when directed by him in writing.

3. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /
P.A. To Judge