

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

Bail Appl..No. 7007 of 2015

CRIME NO. 1187/2015 OF ALATHUR POLICE STATION, PALAKKAD DISTRICT.
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APPLICANTS/ACCUSED NOS 1 TO 3:

- 1. ANIL, AGED 26 YEARS, S/O.MUTHU,
THONIPPADAM, MANAPPADAM,
VADAKKENCHERRY, PALAKKAD.**
- 2. MUTHU, AGED 55 YEARS,
S/O.KANDAMUTHAN, THONIPPADAM,
MANAPPADAM, PUDUKKODE, PALAKKAD.**
- 3. CHENTHAMARA. AGED 46 YEARS.
S/O. MUTHU, CHERUMKODE VEEDU,
KIZHAKKEMURI, MANJAPPRA, PALAKKAD.**

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

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.7007 of 2015

Dated this the 18th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused in Alathur Police Station Crime No.1187 of 2015 registered alleging offences punishable under Sections 341, 506(i) and 353 read with Section 34 of the Indian Penal Code and Section 3(1) of the Prevention of Damage to Public Property Act, 1984. They seek pre-arrest bail.

3. Case of the prosecution is that on 15.10.2015 at about 10.00 p.m., the accused persons threatened the defacto complainant, a doctor working in the Taluk Hospital, Alathur and prevented him from discharging his official duty. The accused persons pulled him by shirt and roughed him up. The issue was on account of the delay in providing medical attention to the child of one of the accused.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the child who was admitted in the hospital with serious ailments was neglected by the doctor and in connection with that there was some talk between the

accused and the doctor.

6. Learned Prosecutor opposed the bail application contending that in the melee, the window glass panes were broken causing damage to tune of ₹1,500/-.

Considering the entire matters, following directions are issued:

i. Petitioners shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation. Thereafter each one of them 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, they shall be released on bail in Crime No.1187 of 2015 of Alathur 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. Each petitioner shall deposit ₹500/- (Rupees five hundred only) before the learned Magistrate within a period of one week from the date of release.

iv. Petitioners shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the

matter.

- v. 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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