

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Bail Appl..No. 7008 of 2015

CRIME NO. 3141/2015 OF CHERTHALA POLICE STATION, ALAPPUZHA

PETITIONER(S)/1 & 2 ACCUSED :

1. RAJESH.P.R, AGED 34 YEARS,
S/O. RAMAKRISHNAN, POONVILAGHAT, K.R.PURAM P.O.,
CHERTHALA, ALAPPUZHA DISTRICT.
2. PRAJESH N.P., AGED 32 YEARS,
S/O. PRAKASH, NIKARATHIL, K.R.PURAM,
CHERTHALA, ALAPPUZHA DISTRICT.

BY ADV. SRI.M.R.SARIN

RESPONDENT(S)/STATE/DEFACTO COMPLAINANT:

1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. THE SUB INSPECTOR OF POLICE,
CHERTHALA POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.7008 of 2015

Dated this the 13th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Accused 1 and 2 in Crime No.3141 of 2015 of Cherthala Police Station registered for offences punishable under Sections 341, 323, 324 and 308 read with Section 34 of the Indian Penal Code seek pre-arrest bail.

3. Prosecution case, in short, is that on 09.10.2015 at about 9.00 p.m., the accused persons wrongfully restrained the defacto complainant and after abusing him, the first accused manhandled him and the second accused used iron rod to cause injury on the head of the defacto complainant.

4. Heard both sides.

5. Learned Prosecutor opposed the bail application contending that there are materials in the case diary for establishing that the first petitioner (second accused) used an iron rod to attack the defacto complainant and thereby caused grave injury on his head. It is also

contended that the weapon has not been recovered. Insofar as the second petitioner (first accused) is concerned, there is no allegation of using any weapon against the defacto complainant. Hence I do not find any reason to grant pre-arrest bail to the second accused who is the first petitioner herein. Application in respect of the first petitioner is dismissed. Plea of the first accused who is the second petitioner herein is allowed with following directions:

i. Second 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.3141 of 2015 of Cherthala 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. Second petitioner shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

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 second petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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