

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

Bail Appl..No. 7047 of 2015 ()

CRIME NO. 1835/2015 OF ANGAMALY POLICE STATION , ERNAKULAM DISTRICT

PETITIONER/A3 :

**NIJO PYNADATH, AGED 27 YEARS,
S/O.JACOB, CHATTAKKARAN HOUSE, THURAVOOR P.O.,
PERINGAPARAMBU, ANKAMALY.**

**BY ADVS.SRI.T.P.RAMACHANDRAN (THACHETH)
SMT.N.G.SINDHU**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No.7047 of 2015

Dated this the 16th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Third accused in Angamaly Police Station Crime No.1835 of 2015 alleging offences punishable under Sections 341, 323, 324 and 326 read with Section 34 of the Indian Penal Code seeks pre-arrest bail.

3. Prosecution case is that on 06.10.2015 at 9.50p.m., accused 1 to 3 with a common intention to inflict injury on the defacto complainant, attacked him for questioning their consumption of liquor sitting on the varandha of a hotel.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that there is no material to connect the petitioner with an offence under Section 326 of the Indian Penal Code. It is alleged that the petitioner punched the defacto complainant on chest.

Considering the nature of allegations, I am of the view that custodial interrogation of the petitioner is not necessary. Hence the following order:

i. 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 ₹50,000/- (Rupees fifty 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.1835 of 2015 of Angamaly 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. 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 petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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