

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. 7057 of 2015 ()

**CRIME NO. 968/2015 OF VALANCHERY POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONER/ACCUSED NO. 1 :

**N.K. PADMANABHAN NAIR, AGED 44 YEARS,
PADMANABHAN NAIR, NALLAKKATTU HOUSE,
IRIMBILYAM AMOSM, VELLIYAKUNNUR POST, TIRUR TALUK.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENTS & STATE :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
(CRIME NO. 968/2015 OF VALANCHERY POLICE STATION
MALAPPURAM DISTRICT).**
- 2. THE STATION HOUSE OFFICER
VALANCHERY POLICE STATION
MALAPPURAM DISTRICT.
(CRIME NO.968/2015 OF VALANCHERY POLICE STATION,
MALAPPURAM DISTRICT).**

BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

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

bp

A.HARIPRASAD, J.

B.A.No.7057 of 2015

Dated this the 13th day of November, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the first the accused in Crime No.968 of 2015 of Valanchery Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 323 & 326 r/w Section 149 of the Indian Penal Code.

3. Prosecution case is that on 30.09.2015 at about 03.30 p.m., the petitioner along with other accused as members of an unlawful assembly armed with weapons committed rioting and assaulted with the defacto complainant causing fracture of 4 teeth.

4. Heard both sides.

5. Leaned counsel for the petitioner submitted that the defacto complainant is the aggressor and as he attacked the petitioner from his shop on the same day at the same time, another crime bearing No.967 of 2014 of the same Police Station was registered under Sections

452, 341, 326, 427 and 506(ii) r/w Section 34 of the Indian Penal Code. It is the case that the petitioner sustained fracture in the incident and he was bitten by the defacto complainant. The case that the petitioner inflicted grievous injuries to the defacto complainant is false.

6. Leaned Public Prosecutor submitted that the incident relating to Crime Nos.967 of 2015 and 968 of 2015 are different. In answer to this argument the learned counsel for the petitioner submitted that they must have intentionally changed the crime. Materials produced before the court show that both of them sustained injuries in the incident. From the materials available before me, *prima facie*, it is seen that both of them sustained injuries in the same incident.

7. Considering the facts and circumstances of the matter, I am inclined to grant anticipatory bail to the petitioner with the following conditions:

- (a) Petitioner shall surrender before the Investigating Officer within a period of

'two weeks' from today and submit himself for interrogation. Thereafter, he shall be released on bail on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.

- (b) The petitioner shall appear before the Investigating Officer as and when directed for the purpose of interrogation.
- (c) The petitioner shall co-operate with the investigation of the case.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.
- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) The petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail

granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge