

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. 7159 of 2015 ()

**CRIME NO. 4431/2015 OF PERUMBAVOOR POLICE STATION,
ERNAKULAM DISTRICT**

PETITIONERS/ACCUSED :

- 1. MUHAMMED ANSAR.M.A., AGED 41 YEARS,
S/O. M.S.ABU, MELEKKUDY HOUSE, PONJASSERY P.O.,
PERUMBAVOOR, ERNAKULAM DISTRICT.**
- 2. AZAINAR P.A., AGED 44 YEARS,
S/O. ARAMAN, PARAKKUNNATH HOUSE, PONJASSERY P.O.,
PERUMBAVOOR, ERNAKULAM DISTRICT.**
- 3. SHIVADAS E.A., AGED 39 YEARS,
S/O. AYYAPPAN, ELAVUMKUDY HOUSE, PONJASSERY P.O.,
VENGOLA, PERUMBAVOOR, ERNAKULAM DISTRICT.**
- 4. ANSAL, AGED 27 YEARS,
S/O.ABDUL KHADER, ELEVUMKUDY HOUSE, PONJASSERY P.O.
VENGOLA, PERUMBAVOOR, ERNAKULAM DISTRICT**
- 5. SHAMSU K.A., AGED 46 YEARS,
S/O.KUNJU MARAKKAR, ELEVUMKUDY HOUSE, PONJASSERY P.O.
VENGOLA, PERUMBAVOOR, ERNAKULAM DISTRICT**

**BY ADVS.SRI.K.S.ARUN KUMAR
SRI.M.S.DILEEP**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE 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:**

bp

A.HARIPRASAD, J.

B.A No.7159 of 2015

Dated this the 18th day of November, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.4431 of 2015 of Perumbavoor Police Station registered for offences punishable under Sections 341, 324 and 308 r/w Section 34 I.P.C.

3. Learned Public Prosecutor submitted that the second petitioner and fourth petitioner are not accused in the crime. This submission is recorded and the bail application in respect of them will stand dismissed. The first petitioner is the second accused. Third petitioner is the third accused and fifth petitioner is the fifth accused in the crime.

3. Prosecution case, in short, is that on 05-11-2015 at about 1.00 a.m., the petitioners attacked the defacto complainant by using a stone. Learned counsel for the petitioner submitted that on the previous night of election, the defacto complainant attempted to influence the voters by paying cash which was resisted by the accused persons. There was no attack as alleged by the prosecution.

Going by the averments in the first information statement and other material on records, I am of the view that prima facie there is no serious materials to show the commission of offence under Section 308 I.P.C.

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

5. Considering the facts and circumstances, I find that bail can be granted to the petitioners with following directions :

1. Petitioners shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. In that event, they shall be released on bail on executing a bond for Rs.25,000/- each (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency. The Investigating Officer need not insist on the

solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

- 3 Petitioners shall appear before the Investigating Officer as and when directed.
4. Petitioners shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

**Sd/-
A.HARIPRASAD,
JUDGE.**

amk

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PA to Judge