

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

Bail Appl..No. 7305 of 2015

CRIME NO. 1060/2015 OF MATTANCHERRY POLICE STATION, ERNAKULAM
.....

PETITIONER(S)/ACCUSED:

1. **PROMOD P., AGED 35 YEARS,
S/O.N.PRAKASH, CC.4/1147, THUNDIPARAMBIL,
NORTH CHERAI, KOCHI-682 002.**
2. **SEETHA, AGED 68 YEARS,
W/O.RAMAN, C.C.104/158 B, KUVAPLAVU CROSS ROAD,
KOCHI-682 001.**
3. **CHANDRAMATHI, AGED 58 YEARS,
W/O.N.PRAKASH, C.C.4/1147, THUNDIPARAMBIL,
NORTH CHERAI, KOCHI-682 002.**
4. **PUSHPA, AGED 47 YEARS,
W/O.MOHANAN, CC.104/158B, KUVAPLAVU CROSS ROAD,
KOCHI-682 001.**

**BY ADVS.SRI.N.SASI
SMT.T.M.BINITHA**

RESPONDENT(S):

**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
25-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.7305 of 2015

Dated this the 25th day of November, 2015

ORDER

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

2. Petitioners are accused Nos.1, 4, 2 and 3 respectively in Crime No.1060 of 2015 of Mattancherry Police Station registered for offence punishable under Sections 341 and 326 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that the accused were hostile against the defacto complainant for filing case against them before police. On that score, on 03-09-2015 at about 2.00 p.m., they attacked the defacto complainant. First accused attacked her with an iron rod and caused two fractures. Other accused beat the defacto complainant.

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

5. Considering the nature of allegations and the injuries mentioned in the wound certificate, I am of the view that recovery of weapon used for assault is essential. Therefore, I am not inclined to

grant bail to the first petitioner. Hence, his application stands dismissed. Bail is granted to other petitioners 2, 3, 4 (accused 4, 2 and 3) with following directions :

1. Petitioners 2, 3 and 4 shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. In that event, he 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

//True copy//

P.A to Judge