

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

Bail Appl..No. 7336 of 2015 ()

**CRIME NO. 967/2015 OF VALANCHERY POLICE STATION,
MALAPPURAM DISTRICT**

PETITIONER/1ST ACCUSED :

**MOIDEENKUTTY
S/O. MUHAMMED, ERKKOTTIL HOSUE, VALIYAKUNNU,
VALANCHERI P.O., MALAPPURAM DISTRICT.**

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE SUB INSEPCTOR OF POLICE,
VALANCHERI POLICE STATION,
MALAPPURAM DISTRICT THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.7336 of 2015

Dated this the 1st day of December, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.967 of 2015 of Valanchery Police Station registered alleging offences punishable under Sections 452, 341, 326, 427 and 506(ii) read with Section 34 of the Indian Penal Code. He seeks pre-arrest bail.

3. Prosecution case, in short, is that on 30.09.2015 at about 2.00 p.m., the petitioner along with other accused criminally trespassed into the grocery shop run by the defacto complainant and assaulted him causing grievous injuries. It is alleged that the first accused used iron rod to beat the defacto complainant.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that Crime No.968 of 2015 of the same Police Station is a counter case. It is submitted that the case and counter case have been settled between the parties. As per order on B.A.No.7057 of 2015 dated 13.11.2015 this Court has granted pre-arrest bail to the first accused in the other case.

Considering the facts and circumstances, following directions are issued:

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 ₹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.967 of 2015 of Valanchery 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.

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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