

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 7358 of 2015

CRIME NO. 1107/2015 OF OTTAPALAM POLICE STATION, PALAKKAD DISTRICT.
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PETITIONER(S)/ACCUSED NOS. 1 & 2:

- 1. SURESH KUMAR, AGED 28 YEARS,
S/O.MURALEEDHARAN, KIZHAKKETHILTHODI,
CHUNANGAD P.O., OTTAPALAM TALUK,
PALAKKAD DISTRICT.**
- 2. KANNAN @ DILEEP, AGED 28 YEARS,
S/O.AYYAPPAN, MALAYARIKATH,
CHUNANGAD P.O., OTTAPALAM TALUK,
PALAKKAD DISTRICT.**

BY ADV. SRI.P.JAYARAM

RESPONDENT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.V.H.JASMINE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K.P.JYOTHINDRANATH, J.

B.A.No.7358 OF 2015

Dated this the 2nd day of December , 2015

JUDGMENT

This is an application filed under Section 438 of Cr.P.C. The petitioners are the accused in Crime No.1107/2015 of Ottapalam Police Station, Palakkad District.

2. When the application came up before this Court, the learned counsel for the petitioners submitted before me that here is a case where there is misuse of Section 308 of IPC. It is the submission that on an allegation that the petitioners inflicted injury with an iron rod and without any major injury, an offence under Section 308 of IPC is incorporated and a crime registered against the petitioners due to political influences. It is the submission that as per the prosecution case, the defacto complainant was sitting in a waiting shed near his house and due to political animosity, the petitioners came on a motor bike inflicted injury using an iron rod on the head of the defacto

complainant. It is the submission that making use of some minor injury, which could have been caused in a push and pull, such an allegation is made and such a crime is got registered.

3. I also heard the learned Public Prosecutor. The learned Public Prosecutor submitted before me that even though the crime is registered as back as on 10.10.2015, so far the wound certificate is not in the case diary provided by the Police. Under such circumstances, the prosecutor is not in a position to elaborate on the injuries sustained on the defacto complainant. But the learned Public Prosecutor vehemently opposed the granting of anticipatory bail.

4. After considering the totality of the case and the attending circumstances, I feel that here is a case where anticipatory bail can be granted to the petitioners on the following conditions :

1) The petitioners shall appear before the Investigating Officer within ten days of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioners. After interrogation, if the police officer feels that arrest is necessary, he is at liberty to arrest the petitioners. Thereafter, if any recovery is necessary, that also can be

made. Thereafter, the petitioners shall be released on bail on executing a bond for Rs.25,000/- each with two solvent sureties each for the like amount to the satisfaction of the officer concerned.

2) After release on bail, the petitioners shall appear before the Investigating Officer on all Saturdays in between 10 a.m. and 12 noon for a period of two months.

3) The petitioners shall not commit similar offences during the bail period.

5) The petitioners shall not influence or intimidate the witnesses.

On the above conditions, this anticipatory bail application is allowed.

K.P.JYOTHINDRANATH
JUDGE

SV.