

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Bail Appl..No. 7612 of 2015 ()

CRIME NO. 1559/2015 OF KADAKKAVOOR POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED :

**MOHANAN, AGED 51 YEARS
S/O.SUKUMARAN, KUZHIVILA VEEDU, VILAYIL VEEDU
KEEZHATINGAL P.O., THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI. P. ANOOP (MULAVANA)

RESPONDENT/COMPLAINANT/STATE :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A. No.7612 of 2015

Dated this the 8th day of December, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the sole accused in Crime No.1559 of 2015 of Kadakkavoor Police Station registered for offences punishable under Sections 294(b), 341, 324 and 326 of the Indian Penal Code. He seeks pre-arrest bail.

3. Prosecution case is that on 17.11.2015 at 9.45 p.m. the accused abused the defacto complainant by using obscene words and attacked him with a piece of rock causing fracture of his nasal bone.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that offence under Section 326 of the Indian Penal Code was subsequently added and there was no allegation of fracture of nasal bone first any point of time.

6. Learned Prosecutor opposed the bail application.

The injury appears to be a small fracture on the nose. Hence the following order:

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 ₹50,000/- (Rupees fifty 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.1559 of 2015 of Kadakkavoor 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 on all Mondays and Thursdays between 10.00 and 11.00 a.m. until final report is filed.

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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