

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Bail Appl..No. 7629 of 2015

**CRIME NO. 553/2015 OF MANJESHWAR POLICE STATION ,
KASARAGOD DISTRICT**

PETITIONER(S)/ACCUSED NOS.1 & 2 :

- 1. SADASHIVA MADIVALA, AGED 39 YEARS,
S/O.SANJEEVA MADIVALA, 545 (7/150), BAKRABAYAL,
PIN: 671 323, KASARAGOD DISTRICT.**
- 2. DINESHA, AGED 34 YEARS,
S/O.SANJEEVA MADIVALA, 545 (7/150), BAKRABAYAL,
PIN: 671 323, KASARAGOD DISTRICT.**

**BY ADVS.SRI.K.S.HARIHARAN NAIR
SRI.BIJOY CHANDRAN
SRI.RAJESH NAIR**

RESPONDENT(S)/STATE :

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

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A. HARIPRASAD, J.

Bail Appl. No.7629 of 2015

Dated this the 17th day of December 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Manjeshwar Police station Crime No.553 of 2015 shows that the petitioners have committed the offences punishable under Secs.447, 341, 324 and 326 read with Sec.34 of the Indian Penal Code. Prosecution case in short is that, on 04.11.2015 at about 10.30 a.m., the accused persons, with their common intention, attacked the defacto complaint who was engaged in repairing a road. He was beaten up with stick.

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

4. Materials in the case diary show that prima facie there is no ingredient to attract the offence under Sec.326 of the Indian Penal Code.

Considering the nature of allegations, I am of the view that pre arrest bail can be granted to the petitioners with the following conditions.

1. In the event of arrest in Crime No.553 of 2015 of Manjeshwar Police station, the petitioners shall be released on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

2. The petitioners shall appear before the Investigating Officer for interrogation as and when directed by him in writing.

3. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /