

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

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

Bail Appl..No. 7694 of 2015 ()

**CRIME NO. 1543/2015 OF ARYANAD POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONERS/ACCUSED :

- 1. NAVAS, AGED 39 YEARS,S/O. MUHAMMED,
KUNNUNADA ROADARIKATHU PUTHEN VEEDU,
PUTHUKULANGARA, NEDUMANGAD.**
- 2. AZEEM A., AGED 25 YEARS,
S/O. ABUDEEN, AZEEM MANZIL, KONGANAM,
PUTHUKULANGARA, NEDUMANGAD.**
- 3. NISHAD Y., AGED 25 YEARS,S/O. YUSUF,
MAILAMOODU ROAD, PUTHUKULANGARA
NEDUMANGAD.**
- 4. MUHAMMED AZEEM, AGED 24 YEARS,
S/O. NAZEER, A.N.MANZIL, CHARUMOODU,
PUTHUKULANGARA, NEDUMANGAD.**
- 5. AKHIL GOPU, AGED 25 YEARS,
S/O. GOPAKUMAR, GOPU BHAVAN, ARAYANAD P.O.,
THIRUVANANTHAPURAM.**
- 6. NIKHIL GOPU, AGED 19 YEARS,
S/O. GOPAKUMAR, GOPU BHAVAN, ARAYANAD P.O.,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.BREJITHA UNNIKRISHNAN**

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT. M. MADHUBEN

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

bp

K.P.JYOTHINDRANATH, J.

B.A.No.7694 of 2015

Dated this the 17th day of December, 2015

ORDER

This is an application filed under Section 438 of the Code of Criminal Procedure.

2. When the petition came up for hearing, the learned counsel appearing for the petitioners submitted before me that, here is a case where the police intentionally introduced an offence under Section 326 of IPC due to political pressure as the incident allegedly occurred involving two fractions of people wherein one fraction is the rebels of UDF and other is supporters of UDF.

3. After the election result, while the defacto complainants were moving on a motor bike, allegedly the accused restrained them and inflicted injuries using iron rod. But the allegation seen belied by the injuries sustained by them. The injuries are only superficial injuries. Even though the injured were referred for ortho consultation without getting any material to support the introduction of Section 326, an offence under Section 326 is incorporated and the petitioners are apprehending arrest and detention. It is also the submission made before me that, the number of injured persons will show the incident is not as alleged by the prosecution. But an affray might have been occurred and making use of the same, a false case has been got registered.

4. I heard the learned Public Prosecutor. The Prosecutor fairly conceded that the case diary is not giving any material regarding any fracture to attract an offence under Section 326 of IPC.

5. Thus considering the facts as evident from the case diary, I feel that this is a case where anticipatory bail can be granted on the following conditions :

1. The petitioners shall appear before the Investigating Officer within ten days from the date of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioners. After such interrogation, if the Investigating Officer feels that this is a case where arrest is necessary, he is at liberty to arrest the petitioners. After arrest, if any recovery is necessary that also can be made. Thereafter the petitioners shall be released on bail on executing a bond for ₹25,000/- (Rupees Twenty thousand only) each with two solvent sureties each for the like sum 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 10.00 a.m and 12.00 noon for a period of three months.

3. The petitioners shall not commit similar offence

during the bail period.

4. The petitioners shall co-operate with the investigation.

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

Sd/-
K.P.JYOTHINDRANATH, JUDGE

AV

/True Copy/

P.A to Judge