

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

BAIL APPL..NO. 7650 OF 2014 ()

CRIME NO. 1364/2014 OF KUNNICODE POLICE STATION, KOLLAM DISTRICT.

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PETITIONERS/ACCUSED:

- 1. NISHAD, S/O. BASHEER,
AGED 31 YEARS, PARAVILA VEEDU,
CHELLIKKUZHY, KADUVATHODE, MALOOR,
PATHANAPURAM, KOLLAM DISTRICT.**
- 2. ANEESH, S/O. MUHAMMED HANEEFA,
AGED 27 YEARS, METTUPURAMTHAZHATHIL VEEDU,
KADUVATHODU, CHELLIKKUZHY MALOOR,
PATHANAPURAM, KOLLAM.**
- 3. REJU, S/O. ANEEFA RAWTHER,
AGED 29 YEARS, ASHA MANZIL, KADUVATHODU,
CHELLIKKUZHY MALOOR, PATHANAPURAM, KOLLAM.**
- 4. SHIBU, S/O. HANEEFA RAWTHER,
AGED 30 YEARS, LAKSHAM VEEDU,
KADUVATHODU, CHELLIKKUZHY MALOOR,
PATHANAPURAM, KOLLAM.**

BY ADV. SRI.B.MOHANLAL.

RESPONDENT/COMPLAINANT:

**THE STATION HOUSE OFFICER,
KUNNICODE POLICE STATION, KOLLAM DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

.....
B.A. No. 7650 of 2014

.....
Dated this the 23rd day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.1364/2014 of the Kunnicode Police Station, Kollam registered for the offences punishable under Sections 294(b), 324 and 326 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that on 13.10.2014 at 2.30 p.m., they abused the defacto complainant and the first accused beat the defacto complainant with a wheel spanner thereby causing fracture on the skull and the second accused also beat on his head

with jacki lever thereby causing injuries. The other accused beat the defacto complainant with stick.

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

5. The learned counsel for the petitioners has pointed out that the present crime is registered as a counter case to Crime No.1357/2014 in which these petitioners were attacked by the defacto complainant and his associates. It seems that the first petitioner herein is the defacto complainant in Crime No.1357/2014. Petitioners 2 and 3 are also injured persons in the said crime. It seems that in the said crime, knife was used and the first petitioner herein was repeatedly stabbed thereby he sustained very serious injuries. It has been pointed out that the accused in the said crime were granted anticipatory bail by the Sessions Court. When anticipatory bail has been granted to the accused in the counter case, I am of the view that in this case also petitioners can be granted anticipatory bail.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 30.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge