

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

Bail Appl..No. 7657 of 2014 ()

CRIME NO. 652/2014 OF KADIRUR POLICE STATION, KANNUR DISTRICT

PETITIONERS/ACCUSED 2 TO 4 :

1. RANJITH K.,
S/O.PRABHAKARAN, AGED 30 YEARS, RESIDING AT KUNNATH HOUSE
NEAR AZHIKKODAN MANDIRAM, P.O CHOVA, KANNUR DT.
2. NAZEER K.P.,
S/O.MUHAMMED, AGED 36 YEARS
RESIDING AT KANIPOYIL HOUSE
ANCHARAKANDY, KANNUR DT.
3. AJITH KUMAR M.,
S/O.KUMARAN, AGED 39 YEARS
RESIDING AT KRISHNA VILLA, PANAKAVU
CHIRAKKAL P.O., KANNUR – 11.

**BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH**

RESPONDENTS/COMPLAINANT & STATE :

1. THE STATION HOUSE OFFICER,
KADIRUR POLICE STATION
KANNUR - 670 602.
2. THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM - 682 031

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K.ABRAHAM MATHEW, J

B.A.No.7657 OF 2014

Dated this the 29th day of June, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused 2 to 4 in crime No.652/2014 of Kadirur police station registered for the offences under Sections 367, 323, 326, 506(i) read with Section 34 of Indian Penal Code.

3. The prosecution case is that they along with the co-accused assaulted the victim with an iron rod causing him serious injuries.

4. Heard.

5. The learned counsel submits that the allegation against the petitioners is false, which is evident from the statement given to the doctor, who examined the victim immediately after the alleged incident. I have perused the wound certificate. The victim told the doctor that he was assaulted by three persons. Their names also were mentioned. They are Suneer, who is the first accused and Bava and Navas. The names of the petitioners do not

found the place in his statement. The learned public prosecutor submits that the victim was examined under Section 161 Cr.P.C and then he disclosed the names of the petitioners this is a suspicious circumstance. The specific case of the victim was that only three persons assaulted him, their names were mentioned to the doctor. The petitioners were not among the assailants. Having regard to the suspicious circumstances I am inclined to grant the prayer of the petitioners.

In the result, this application is allowed.

1. The petitioners will be released on bail after interrogation on their executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) each with two solvent sureties for the like sum each if they are arrested by the police in connection with this case.

2. They shall appear before the investigating officer for interrogation if they are so required by him in writing.

3. They shall not get themselves involved in any other criminal case while they are on bail.

4. They shall not intimidate or attempt to influence the witnesses.

5. They shall not destroy or tamper with evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law.

If the petitioners surrender before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge