

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Bail Appl..No. 7863 of 2015 ()

CRIME NO. 1024/2015 OF KOLAVALLUR POLICE STATION, KANNUR DISTRICT.

.....

PETITIONERS/ACCUSED NO.1 TO 3:

- 1. ASHRAF, AGED 42 YEARS,
S/O.LATE KUNHI HASSAN, PUTHIYANDIYIL HOUSE,
THRIPPANGOTTUR AMSOM, KADAVATHOOR,
KANNUR DISTRICT.**
- 2. ABDUL LATHEEF, AGED 56 YEARS,
S/O.MAMMU HAJI, CHERUMAKANDIYIL,
THRIPPANGOTTUR AMSOM, KDAVATHOOR,
KANNUR DISTRICT.**
- 3. ALI. M.K., AGED 61 YEARS,
S/O.ABDULLA HAJI, MANNIKANDIYIL HOUSE,
THRIPPANGOTTUR AMSOM, KADAVATHOOR,
KANNUR DISTRICT.**

**BY ADVS.SRI.S.RAJEEV,
SRI.K.K.DHEERENDRAKRISHNAN,
SRI.V.VINAY.**

RESPONDENTS & STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031,
(CRIME NO.1024/2015 OF KOLAVALLUR POLICE STATION,
KANNUR DISTRICT).**
- 2. STATION HOUSE OFFICER,
KOLAVALLUR POLICE STATION,
KANNUR DISTRICT-670 101,
(CRIME NO.1024/2015 OF KOLAVALLUR POLICE STATION,
KANNUR DISTRICT).**

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A No.7863 of 2015

Dated this the 21st day of December, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are the accused Nos.1 to 3 in Crime No.1024 of 2015 of Kolavallur Police Station registered for offences punishable under Sections 341, 323, 324, 294(b), 506(ii), 448, 427 and 308 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that on 28-01-2015 at about 10.00 p.m., the petitioners assaulted the defacto complainant with a crowbar and caused injuries.

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

5. Learned counsel for the petitioners submitted that prior to this incident, the defacto complainant and others trespassed into the house of the first accused and committed offences punishable under Sections 143, 147, 148, 452, 294(b), 324, 506(ii) and 427 r/w Section 149 I.P.C. Same Police Station registered Crime No.1026/2015 in connection with that incident. Subsequently, this

incident allegedly happened. Learned counsel for the petitioners submitted that the whole story is a false case and no material is there to attract an offence under Section 308 I.P.C. On perusal of the wound certificate, it is seen that the defacto complainant sustained only very minor injuries. Considering the nature of allegations and the materials in the case diary, following direction are made :

1. Petitioners shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. In that event, they shall be released on bail on executing a bond for Rs.25,000/- each (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency. The Investigating Officer need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

- 3 Petitioners shall appear before the Investigating Officer as and when directed.
4. Petitioners shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-
A.HARIPRASAD,
JUDGE.
//True copy//

P.A to Judge

amk