

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

Bail Appl..No. 7833 of 2014 ()

CRIME NO. 623/2014 OF BEKAL POLICE STATION , KASARGOD

PETITIONER(S)/ACCUSED 1-4:

1. ANILKUMAR P.V. AGED 30 YEARS
S/O.KUMARAN, THAIVALAPPIL HOUSE, KANHANGAD
KASARAGOD-671315.

2. PRAJEESH T. AGED 24 YEARS
S/O.LOHITHAKSHAN RESIDING AT KUSHAL NAGAR
KANHANGAD P.O., KASARGOD-671315.

3. JIJEESH K.C. AGED 25 YEARS
S/O.CHANDRAN K.V., KOVAL VEEDU
RESIDING AT KUSHAL NAGAR, KANHANGAD P.O.
KASARAGOD-671315.

4. SHIHAB C. AGED 33 YEARS
S/O.IBRAHIM, CHAKKALACKAL HOUSE, OZHINJAVALLAPPU P.O.
PUNJAVI, SADAMMUKKU, KANHANGAD
KASARAGOD-671315.

BY ADVS.SRI.K.J.MOHAMMED ANZAR
SRI.A.D.SURESH BABU

RESPONDENT(S)/STATE AND COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN-682031.

2. THE SUB INSPECTOR OF POLICE
BEKAL POLICE STATION, KASARGOD DISTRICT, PIN-671315.

R BY PUBLIC PROSECUTOR SRI.JITHOSH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SUNIL THOMAS, J.

B.A. No.7833 OF 2014

Dated this the 12th day of June, 2015

O R D E R

The accused No.1 to 4 in Crime No.623/2014 of Bekal Police Station for offences punishable under Sections 341,323 and 326 read with Section 34 IPC are the applicants.

2. The allegation of the prosecution is that on 4/8/2014 at about 7.30 p.m. while the de-facto complainant was speaking to his friend over the mobile phone on the road side, the accused came to the spot, the first accused hit him and when he fell down, the remaining accused kicked on his face and beat on the various parts of the body. It is alleged that a shoe was also used in the commission of offence. Except the first attack inflicted by the first accused, no specific individual over tact is alleged against the remaining accused. The wound certificate indicates that the de-facto complainant had sustained fracture of the nasal bone. The shoe allegedly used has not yet been recovered. However, that cannot be the sole reason for denying bail. There is nothing on record to show that the accused are involved in any other previous crime. Further, no dangerous

weapon is seen used.

3. Considering the above facts and circumstances, I feel that petitioners can be granted bail subject to the following conditions:

1). The petitioners shall appear before the Investigating Officer on 20/6/2015 between 9 and 10 a.m.. After interrogation, in the event of their arrest, they shall be released on bail on each of the applicant executing a bond for Rs.40,000/- (Rupees Forty Thousand only) with two solvent sureties each for the like sum.

2). They shall appear before the Investigating Officer on all Mondays between 9 a.m. and 10 a.m. for a period of one month or the date of filing of the final report whichever is earlier.

3). They shall co-operate with the investigation and shall not in any manner threaten, coerce or intimidate the defacto complainant or his witnesses.

The petition is allowed accordingly.

SD/-

SUNIL THOMAS
Judge

dpk

/true copy/ PS to Judge.

