

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

Bail Appl..No. 8347 of 2014

CRIME NO. 1765/2014 OF KOTTIYAM POLICE STATION, KOLLAM DISTRICT.
.....

PETITIONER/2ND ACCUSED:

**AFZAL B., AGED 21,
S/O.BASHEER A, NAZEEMA BHAVAN,
UMAYYANALLOOR ESTATE P.O, KOLLAM.**

**BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN**

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K.ABRAHAM MATHEW, J.

B.A.No.8347 of 2014

Dated this the 27th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.1765 of 2014 of Kottiyam Police Station registered for the offences under Sections 143, 147, 148, 323, 324, 308 and 325 r/w Section 149 of IPC.

3. The prosecution case is that he along with the co-accused assaulted the victim with an iron rod causing injuries on his head and other parts of his body.

4. Heard.

5. Learned counsel for the petitioner submits that there is no allegation that the petitioner used any iron rod. According to the prosecution it was the 1st accused who used the iron rod. The petitioner is not involved in any other case. I am inclined to grant the prayer.

In the result, this application is allowed with the following conditions:

i) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/-(Rupees Twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

ii) He shall appear before the Investigating Officer between 10.00 a.m and 11.00 a.m on every Friday for three months or till the final report is filed, whichever is earlier.

lii) He 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 the law.

**K.ABRAHAM MATHEW
JUDGE**

pm