

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. 8502 of 2014 ()

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CRIME NO. 2816/2014 OF MUVATTUPUZHA POLICE STATION.
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PETITIONER/ACCUSED NOS.2, 3 & 4:

- 1. NOUSHAD, AGED 34 YEARS,
S/O.MUHAMMED, KOCHUMARIYIL HOUSE,
MULAVOOR VILLAGE, PEZHAKKAPPILLY KARA.**
- 2. ALIKUNJU @ ALI, AGED 45 YEARS,
S/O.MUHAMMED, KOCHUMARIYIL HOUSE,
MULAVOOR VILLAGE, PUNNOPPADDI KARA.**
- 3. KOCHUMUHAMMED, AGED 56 YEARS
S/O.MUHAMMED, KOCHUMARIYIL HOUSE,
MULAVOOR VILLAGE, PUNNOPPADDI KARA.**

BY ADV. SRI.JAMES ABRAHAM (VILAYAKATTU).

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**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.8502 of 2014

Dated this the 23rd day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 3 in Crime No.2816/2014 of Muvattupuzha Police Station registered for the offences punishable under Sections 323, 324, 325, 326 and 506(ii) read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that on 5.11.2014 at 4 p.m., the first petitioner beat the de-facto complainant aimed at his head with a wooden reaper, which was warded off with his right hand, which resulted in a fracture to his right hand. It is alleged that the second

petitioner twisted the hand of the son of the de-facto complainant, thereby causing a dislocation of his shoulder. It is alleged that the petitioners had beat and fisted the de-facto complainant and his sons.

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

5. It seems that the petitioners were attacked by the de-facto complainant and his sons, when the Commissioner, appointed by the Court, has visited the property. A suit was filed by the mother of the petitioners, for a decree of perpetual injunction, restraining the petitioners from putting up a cattle shed near to her well. It seems that the petitioners herein had sustained injuries and two of them had suffered grievous hurts. Considering the facts and circumstances of this case, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein

anticipatory bail can be granted to the petitioners.

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 Rs.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

dl

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PA to Judge