

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR**

**THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937**

**Bail Appl..No. 8868 of 2014 ()**

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CRIME NO. 1415/2014 OF PATHANAPURAM POLICE STATION,  
PATHANAMTHITTA DISTRICT  
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**PETITIONER :**

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**UMMER RAWTHER, AGED 44 YEARS,  
S/O. HUSSAIN, R/AT YOUNUS NABZIL,  
KADAVATHODU NILAMAKKALA, PATTAZHY,  
VADAKKEKKARA VILLAGE.**

**BY ADVS.SMT.T.S.MAYA (THIYADIL)  
SRI.NIKHIL.A.AZEEZ**

**RESPONDENT :**

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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
(SUB INSPECTOR PATHANAPURAM POLICE STATION).**

**BY PUBLIC PROSECUTOR SRI.N.SURESH**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 25-06-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**sts**

**B.SUDHEENDRA KUMAR, J.**

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Bail Application No.8868 of 2014  
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Dated this the 25<sup>th</sup> day of June 2015

O R D E R

The petitioner is the second accused in Crime No.1415/2014 of Pathanapuram Police Station registered under Sections 447, 294(b), 323 and 307 read with Section 34 I.P.C.

2. The prosecution allegation is that on 17.9.2014 at 3.30 p.m., the petitioner and the other accused in furtherance of their common intention, attacked the *defacto complainant* and her mother after trespassing into

the courtyard of their house. The petitioner used the handle of an axe to inflict injuries on the *defacto complainant*. The first accused inflicted injuries on the *defacto complainant* using a chopper. The other accused inflicted injuries on the *defacto complainant* and others with sticks. The petitioner has filed this application praying for the relief under Section 438 Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has opposed the application.

5. It has been submitted by the learned Public Prosecutor that the petitioner is not involved in any other offence of similar nature. In connection with the incident in this case, a counter case also had been registered. A civil case is also pending between the parties. In the said

circumstances, I am inclined to grant an order under Section 438 Cr.P.C. in favour of the petitioner, particularly when it appears that the petitioner is a first time offender.

In the result, this application stands allowed and the petitioner shall be released on bail in the event of his arrest in connection with Crime No.1415/2014 of Pathanapuram Police Station on condition of the petitioner executing a bond for Rs.30,000/- (Rupees thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Sub Inspector of Police, Pathanapuram Police Station, before whom the petitioner shall surrender within 10 days from today and subject to the following conditions:

- (i) The petitioner shall report before the Investigating Officer on every Monday between 9

a.m. and 11 a.m. for six months and thereafter, as and when required by the Investigating Officer for interrogation.

(ii) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(iii) The petitioner shall not get involved in any offence while on bail.

**sd**

**B.SUDHEENDRA KUMAR,  
JUDGE**

*dl*

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/PA TO JUDGE /