

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 4TH DAY OF DECEMBER 2012/13TH AGRAHAYANA 1934

Bail Appl..No. 8983 of 2012 ()

(CRIME NO. 981/2012 OF MAYYIL POLICE STATION, KANNUR DISTRICT)

PETITIONER/ACCUSED :

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- 1. ANOOP P.V., AGED 30 YEARS
S/O.CHANDRAN, KOTTUNGAL HOUSE, KAYARALAM
KOTTAYAD P.O.KANDAKAI, KANNUR DIST**
 - 2. CHANDRAN, AGED 57 YEARS
KOTTUNGAL HOUSE, KAYARALAM,
KOTTAYAD P.O.KANDAKAI
KANNUR DIST**

BY ADV. SRI.P.U.SHAILAJAN

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REP.BY STATION HOUSE OFFICER, MAYYIL POLICE STATION
-670602,KANNUR DIST, REP.BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-**

BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-12-2012, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

BP

P.BHAVADASAN, J.

BA No.8983 of 2012

Dated this the 4th day of December 2012

Order

The petitioners stand accused of having committed the offences punishable under Ss.341, 324, 308 r/w 34 IPC. The allegation against them is that they attacked the defacto complainant with an iron rod and caused injuries to him. The learned counsel for the petitioners pointed out that the entire allegations are false and that the incorporation of S.308 is with the deliberate intention to see that the petitioners are denied bail. It is also pointed out that the wound certificate does not disclose any external injuries.

2. Having gone through the records made available in the CD, there seems to be some substance in the complaint of the petitioners. Therefore, it is felt that this is a fit case warranting exercise of the extra ordinary jurisdiction of this court under S.438 of Cr.PC. Accordingly, the application is allowed as follows :

1. The petitioners shall surrender before the Investigating Officer on or before 12.12.2012, who, after interrogation, shall produce them before the JFCM concerned.
2. On applications being filed by the petitioners before the JFCM concerned, they shall be released on bail on each of them executing a bond for Rs.15,000/- (Rupees Fifteen Thousand only) with two solvent sureties each for the like sum each to the satisfaction of the JFCM concerned.
3. The learned Magistrate shall ensure the identity of the sureties and also the veracity of the tax receipts produced by the sureties before granting bail to the petitioners.
4. The petitioners shall appear before the Investigating Officer as and when required by him, till final report is filed.
5. The petitioners shall not tamper or attempt to tamper with the evidence and influence or try to influence the witnesses.
6. If any of the conditions is violated, the bail granted shall stand cancelled and the JFCM concerned, on being satisfied of the said fact, may take such steps as are available to him in law.

P.Bhavadasan, Judge

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