

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 29TH APRIL 2008 / 9TH VAISAKHA 1930

Bail Appl..No. 2278 of 2008

(CRIME NO. 79/2008 OF ULIKKAL POLICE STATION)

PETITIONERS/ACCUSED 1 TO 4

- 1. BIJU, AGED 33 YEARS
S/O.THOMAS, KUNNUMPURATH HOUSE
NUCHİYAD AMSOM, MANIPPARA, P.O.TALIPARAMBA TALUK
KANNUR DISTRICT**
- 2. SHIJU, AGED 26 YEARS
S/O. POULOSE, PUTHENKODI HOUSE
DO..DO..**
- 3. JIJI, AGED 26 YEARS
S/O. GEORGE, KUMPUNKAL HOUSE,
DO..DO..**
- 4. JOSEKUTTY, AGED 35 YEARS
S/O. JOHN, THAIPARAMBIL HOUSE
DO..DO..**

BY ADV. SRI.BLAZE K.JOSE

RESPONDENTS/ COMPLAINANT

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, REPRESENTING
SUB INSPECTOR OF POLICE, ULIKKAL.**

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29/04/2008, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

R.BASANT, J.

B.A.No.2278 of 2008

Dated this the 29th day of April 2008

O R D E R

Application for anticipatory bail. The petitioners are accused 1 to 4. They face allegations in a crime registered alleging offences punishable inter alia under Section 326 I.P.C. The petitioners have a specific case that there is no grievous hurt suffered by the victim. The learned Public Prosecutor was specifically directed to explain how the alleged injury would fall under Section 320 I.P.C. The learned Public Prosecutor today fairly concedes that at the moment and with the available inputs there is no objective data to bring the injury suffered within the sweep of Section 320 I.P.C though in the F.I statement there is an allegation that two teeth had become loose.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioners can be granted anticipatory bail subject to appropriate terms and conditions.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 06/05/2008. They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 07/05/2008. During this period, the investigating officer shall be at liberty to interrogate the petitioners in custody and take all necessary steps for the proper conduct of the investigation in this crime. Thereafter the petitioners shall so appear on all Mondays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 06/05/2008, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 06/05/2008.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007