

Abdu Samad Vs. State of Kerala

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Court : Kerala

Decided On : Jul-22-2014

Judge : Honourable Mr. Justice K.Abraham Mathew

Appellant : Abdu Samad

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW TUESDAY, THE 22D DAY OF JULY 2014 31ST ASHADHA, 1936 Bail Appl..No. 5242 of 2014 (A) ----- AGAINST THE

ORDER

IN Bail Appl. 4167/2014 of HIGH COURT OF KERALA DATED 24-06-2014 AGAINST THE

ORDER

IN CRMC8102014 of SESSIONS COURT, MANJERI DATED 02-06-2014 CRIME NO. 625/2014 OF KONDOTTY POLICE STATION , MALAPPURAM PETITIONER(S)/APPLICANT/2ND ACCUSED:

----- ABDU SAMAD
AGED 28 YEARS S/O. ENTHEEN MALAYIL, THERTHODUVIL HOUSE,
THAVANOOR FIRST MILE, MUTHUVALLOOR AMSOM & DESOM, KONDOTTY

TALUK MALAPPURAM DISTRICT. BY ADVS.SRI.P.VENUGOPAL (1086/92)
SMT.T.J.MARIA GORETTI RESPONDENT(S)/COMPLAINANT:

----- 1. STATE OF KERALA REPRESENTED
BY PUBLIC PROSECUTOR HIGH COURT OF KERALA ERNAKULAM
(REPRESENTING S.I OF POLICE KONDOTTY POLICE STATION - CRIME
NO.625/2014) ADDL. R2 2. MUHAMMED BISHAR, AGED 20 YEARS, S/O.
SULAIMAN, PAZHAMPALATH HOUSSE, THAVANOOR, KUZHIMANNA,
MALAPPURAM DISTRICT. ADDL. R2 IMPEADED AS PER

ORDER

IN CRL.M.A.6920/2014 DATED 22.07.2014 RADDL.2 BY ADVS. SRI.BABU S.
NAIR SRI.K.RAKESH R1 BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH THIS
BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22.07.2014, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING: JJJ K. ABRAHAM
MATHEW, J.

----- B.A. No. 5242 of 2014

----- Dated this the 22nd day of July, 2014

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the 2nd accused in Crime No. 625/2014 of Kondotty Police
Station, which has been registered for the offences under sections 143, 147, 148,
323, 324, 326 and 341 r/w 149 IPC.

3. The allegation is that the petitioner, along with the co-accused, armed with
weapons like iron rod, stones etc, formed themselves into an unlawful assembly
and assaulted the first informant causing injuries on his face, back and causing
loss of one tooth on the upper jaw.

4. It is submitted by the learned counsel for the petitioner that his earlier bail
application was rejected on the ground that the iron rod, allegedly used by the
petitioner, was not recovered and now it has been recovered B.A. No. 5242 of
2014 -2- and he may be granted bail.

5. Heard.

6. I have perused the wound certificate of the first informant, who also has been heard in this case. The doctor has noticed that one tooth was missing from the upper jaw. But the doctor did not notice any corresponding external injury. The injury noted on the face is an injury on the chin. Though it is stated that the victim was beaten on the back and other parts of the body with an iron rod, the doctor did not notice any corresponding injury. The incident happened in connection with a dispute that arose out of a football match. The co-accused, except A1, were granted bail by this court under section 438 Cr.P.C. I find no reason to reject the prayer of the petitioner in view of the fact that the iron rod allegedly used by the petitioner has been recovered. B.A. No. 5242 of 2014 -3- 7. In the result, this application is allowed. i. The petitioner shall be released on bail 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 10.30 am and 11.30 am on every Friday for three months or till final report is filed, whichever is earlier. iii. He shall not influence or threaten the witnesses. iv. He shall not get himself involved in any criminal case while he is on bail. v. He shall surrender his passport before the Investigating Officer and if he does not have one, he shall file an affidavit to that effect. B.A. No. 5242 of 2014 -4- If any of the conditions is violated, the learned Magistrate is empowered to cancel the bail in accordance with the law. Sd/- K. ABRAHAM MATHEW, JUDGE //True Copy// P.A. to Judge jjj

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