

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 27TH DAY OF DECEMBER 2013/6TH POUSHA, 1935

BAIL APPL..NO. 8460 OF 2013 ()

CRIME NO. 616/2013 OF VANDANMEDU POLICE STATION , IDUKKI

PETITIONRS/ACCUSED :

1. PRAMOD, AGED 33 YEARS
S/O.THANKAPPAN, PLACHICKAL HOUSE, 6TH MILE
KARA, CHAKKUPALLOM P.O., CHAKKUPALLOM VILLAGE
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.
2. JOSH, AGED 26 YEARS
S/O.RAJU, INJAPURACKAL HOUSE, 6TH MILE
KARA, CHAKKUPALLOM P.O., CHAKKUPALLOM VILLAGE
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.
3. MOBEESH, AGED 24 YEARS
S/O.MOHANAN P.S., PODIPPURAYIL HOUSE, 6TH MILE
KARA, CHAKKUPALLOM P.O., CHAKKUPALLOM VILLAGE
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.
4. ANEESH, AGED 24 YEARS
S/O.BABU, AZHAKATH HOUSE, 6TH MILE
KARA, CHAKKUPALLOM P.O., CHAKKUPALLOM VILLAGE
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.
5. JINS, AGED 25 YEARS
S/O.FRANCIS, ERATHUKUNNEL HOUSE, 6TH MILE
KARA, CHAKKUPALLOM P.O., CHAKKUPALLOM VILLAGE
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.
6. SATHEESH, AGED 28 YEARS
S/O.SOMAN P.K., PLAKKATTU HOUSE, 6TH MILE
KARA, CHAKKUPALLOM P.O., CHAKKUPALLOM VILLAGE
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.
7. SUMESH, AGED 29 YEARS
S/O.GOPI, MUTHUMACKAL HOUSE, 6TH MILE
KARA, CHAKKUPALLOM P.O., CHAKKUPALLOM VILLAGE
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.
8. SAINU, AGED 30 YEARS
S/O.JACOB, PATTATHUSSERIL HOUSE, 6TH MILE
KARA, CHAKKUPALLOM P.O., CHAKKUPALLOM VILLAGE
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.
9. LYVIN, AGED 22 YEARS
S/O.ULAHANNAN, VELLAMKUNNEL HOUSE, 6TH MILE
KARA, CHAKKUPALLOM P.O., CHAKKUPALLOM VILLAGE
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.
10. ROBIN, AGED 22 YEARS
S/O.ANTONY, PUTHENPARAMBIL HOUSE, 6TH MILE
KARA, CHAKKUPALLOM P.O., CHAKKUPALLOM VILLAGE
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

11. SHIBU, AGED 37 YEARS
S/O.THOMAS, EDUTHUMPADY HOUSE, 6TH MILE
KARA, CHAKKUPALLOM P.O., CHAKKUPALLOM VILLAGE
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.
12. LIJO, AGED 28 YEARS
S/O.VARGHESE, KANIYAMMETEL HOUSE, 6TH MILE
KARA, CHAKKUPALLOM P.O., CHAKKUPALLOM VILLAGE
UDUMBANCHOLA TALUK, IDUKKI DISTRICT.

BY ADVS.SRI.GRASHIOUS KURIAKOSE (SR.)
SRI.GEORGE MATHEWS

RESPONDENT/COMPLAINANT :

STATE OF KERALA,
STATION HOUSE OFFICER, VANDANMEDU POLICE STATION
IDUKKI, REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.N. SURESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27-12-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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BABU MATHEW P. JOSEPH, J.

.....
B.A. No. 8460 of 2013
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Dated this the 27th day of December, 2013

ORDER

This petition is filed under Section 438 of Cr.P.C for anticipatory bail.

2. Heard the learned Senior Counsel appearing for the petitioners and the learned Public Prosecutor appearing for the respondent. CD produced.

3. The learned Senior Counsel submits that the petitioners apprehend arrest by the Vandanmedu Police in Crime No.616 of 2013 in which the offences alleged are under Sections 452, 308, 324, 323, 427, 143, 144, 147 and 148 read with Section 149 of IPC. The petitioners have not committed any offence at all. The petitioners were called by the police to the police station and shown them to the de facto complainant. The de facto complainant did not identify any of the petitioners as accused in the crime. Even then, the police repeatedly comes to the residence of the petitioners and threatens that they would be arrested in Crime No.616 of 2013 in which non-bailable

offences are alleged. The petitioners are innocent of the allegations raised in the said crime. The investigation in that case has progressed much. The accused 1 to 4 in that case were already granted regular bail by the Sessions Court, Thodupuzha. The petitioners have no criminal antecedents. The de facto complainant or others have not sustained any serious injury. He further submits that the petitioners apprehend arrest by the police at any time.

4. The learned Public Prosecutor has opposed this petition. He has not disputed the fact that the de facto complainant or others have not sustained any serious injury. He submits that no criminal antecedents have been reported against the petitioners and the accused 1 to 4 in the case were already granted regular bail by the Sessions Court. He further submits that the petitioners are suspects in Crime No.616 of 2013.

5. On considering the facts and circumstances including the nature of the offences alleged, this Court is of the view that this is not a fit case for granting

anticipatory bail.

However, the petitioners are at liberty to surrender before the Investigating Officer on or before 07.01.2014. If the petitioners are arrested by him after interrogation, they should be produced before the concerned Magistrate's Court on that day itself and that court on application for bail being filed by the petitioners shall consider the same on that day itself and release them on bail imposing appropriate conditions.

sd/-
(BABU MATHEW P. JOSEPH, JUDGE)

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/TRUE COPY/

P.A.TO JUDGE