

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. 8760 of 2013 ()

CRIME NO. 971/2013 OF ENATHU POLICE STATION, ADOOR

PETITIONERS/ACCUSED 1,5 & 6:

1. SARATH, AGED 27 YEARS,
S/O CHANDRAN NAIR, SARATH BHAVAN, PERINGANADU,
PERINGANADU VILLAGE, PATHANAMTHITTA DISTRICT.
2. SABARI, AGED 25 YEARS,
S/O MURUKAN, GIREESH BHAVAN, EZHAMKULAM,
EZHAMKULAM VILLAGE, PATHANAMTHITTA DISTRICT.
3. JAAPRAKASH, AGED 30 YEARS,
S/O CHANDRASEKHARAN NAIR, PRAKASH BHAVAN, MANNADY,
KADAMPANADU VILLAGE, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.K.K.SETHUKUMAR

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM. (CR.NO.971 OF 2013 ENATHU POLICE STATION)

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. 8760 of 2013
.....

Dated this the 27th day of December, 2013

ORDER

This petition is filed under Section 439 of Cr.P.C. for bail.

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

3. The petitioners are accused 1, 5 and 6 in Crime No.971 of 2013 of Enathu Police Station. The offences alleged are under Sections 143, 147, 323, 324, 452 and 308 r/w Section 149 of IPC. The petitioners have surrendered before the investigating officer as directed by this Court on 18.12.2013 and, after questioning, they were arrested and produced before the court on the next day. The learned Magistrate dismissed their bail application and remanded them to the judicial custody. They continue to be in custody. The learned counsel for the petitioners submits that the petitioners are innocent of the allegations raised against them. They have no criminal antecedents. The custodial interrogation of the petitioners was over. The investigation of the case is almost over. The accused 2 to 4, 7 and 8 were already granted regular bail by this Court. He further submits that the continued custody of

the petitioners is not required for completing investigation.

4. The learned Public Prosecutor has opposed this petition. The Case Diary shows that the investigation of the case has progressed much. On considering the facts and circumstances, stage of the investigation, the period the petitioners have already spent in jail and the fact that some of the accused in this case were already granted regular bail, this Court is of the view that the petitioners can also be granted regular bail by imposing appropriate conditions. Therefore, the petitioners are granted regular bail subject to the following conditions :

- 1) The petitioners shall be released on bail on their executing 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 concerned Magistrate's Court.
- 2) The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Fridays for a period of two months.
- 3) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.

- 4) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.
- 5) The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
- 6) The petitioners shall not commit any similar offences while on bail.
- 7) The petitioners shall not leave India without the previous permission of the concerned Magistrate's Court.

This application is allowed as above.

AMV/27/12

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

/TRUE COPY/

P.A.TO JUDGE