

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

Bail Appl..No. 229 of 2015

CRIME NO. 995/2014 OF VENMONY POLICE STATION, ALAPPUZHA DISTRICT.
.....

PETITIONER(S)/ACCUSED:

1. SAJU, AGED 28, S/O.RAJAPPAN,
PALANILKKUMTHARAYIL HOUSE, MAMBRA MURI,
CHERIYANADU VILLAGE, ALAPPUZHA.
2. SANIL, AGED 38, S/O.RAJAPPAN,
PALANILKKUMTHARAYIL HOUSE, MAMBRA MURI,
CHERIYANADU VILLAGE, ALAPPUZHA.

BY ADV. SRI.MANU ROY

RESPONDENT(S)/STATE:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.
2. THE STATION HOUSE OFFICE,
VENMONY POLICE STATION, ALAPPUZHA - 689 509.

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

.....
B.A. No. 229 OF 2015
.....

Dated this the 19th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A3 and A4 in Crime No.995/2014 of the Venmony Police Station, Alappuzha registered for the offences punishable under Sections 143, 147, 148, 452, 341, 326, 354, 427 and 308 read with Section 149 of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioners and the other accused is that on 04.11.2014 at 3.15 pm, they formed themselves into an unlawful assembly armed with deadly weapons like iron rod, sword sticks etc. and trespassed into the house of the defacto complainant, wrongfully restrained him, and the third accused inflicted cuts aimed at him with a

sword stick thereby causing injuries to him and the fourth accused beat on the left hand of the defacto complainant with an iron rod thereby causing fracture of the bone of his left hand. It is alleged that the other accused have also inflicted cuts on the defacto complainant with sword sticks and some of them beat the father of the defacto complainant with iron rods. They have allegedly outraged the modesty of the wife of the defacto complainant. Further, they smashed and destroyed the furniture, T.V, DVD etc. in the house thereby causing a wrongful loss of ₹25,000/- to the defacto complainant. The petitioners have been in custody for the period from 05.11.2014 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor. Perused the CD.

5. It is true that the allegations against the petitioners are very grave and serious. At the same time no criminal antecedents have been reported against the petitioners. The contents of the CD reveal that the

investigation of this case is practically over. Continued detention of the petitioners in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioners in custody, the present stage of investigation and the absence of any criminal antecedents on their part, I am of the view that the petitioners can be enlarged on bail, after making a provision for compensating loss sustained to the defacto complainant.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) Each of the petitioners shall deposit an amount of ₹5,000/- (Rupees five thousand only) before the court below.

(ii) Petitioners shall report before the

Investigating Officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays commencing from 26.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(iii) Petitioners shall not tamper with the evidence or influence witnesses.

(iv) Petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(v) Petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge