

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

Bail Appl.No. 313 of 2015

CRIME NO. 1642/2014 OF KALLAMBALAM POLICE STATION, THIRUVANANTHAPURAM
.....

PETITIONER(S)/ACCUSED 4 & 5:

- 1. SARATH, AGED 27 YEARS,
S/O.SUNDARESAN, CHARUVILA PUTHENVEEDU, MUTHANA P.O.,
PALAYAMKUNNU, VARKALA.**
- 2. SALU, AGED 23 YEARS,
S/O.SUNDARESAN, CHARUVILA PUTHENVEEDU, MUTHANA P.O.,
PALAYAMKUNNU, VARKALA.**

**BY ADVS.SRI.R.MANOJ
SMT.SINDHU MANOJ**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM (ON BEHALF OF SUB INSPECTOR OF POLICE,
KALLAMBALAM POLICE STATION)**

BY PUBLIC PROSECUTOR SMT.LISHA M.G.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
14-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

SUNIL THOMAS, J.

B.A. No.313 OF 2015

Dated this the 14th day of July, 2015

O R D E R

The petitioners are 4th and 5th accused respectively in crime No.1642/2014 of Kallambalam Police Station for offences punishable under Sections 143,147,148,149,323,324,326 and 341 of the IPC.

2. The prosecution alleged that the accused formed into an unlawful assembly, armed with weapons and attacked the defacto complainant. It is alleged that the defacto complainant sustained injuries on his face. Complaint was lodged and crime was registered. Apprehending arrest and contending that they are innocent of the crime, the petitioners have approached this Court seeking pre-arrest bail.

3. Heard and perused the records.

4. The case diary indicates that the main attack was by the first accused who caused a fracture injury on the face. One among the above accused was carrying the iron rod, which was used by the other accused. It is also stated that they fisted on the body of the defacto complainant. Though specific individual

overtacts are alleged against few of the accused, liability is proposed to be cast on all the accused jointly with the aid of Section 143 IPC. However, since it appears on record that the first accused was arrested, recovery effected and later released on bail, and considering the entire facts, I feel that at this point of time, a lenient view can be taken and pre-arrest bail granted to the petitioner subject to the following stringent conditions:

i). The petitioners shall appear before the investigating officer on 22/7/2015 between 9 and 10 a.m. and offer himself for interrogation. Thereafter, they shall be released on bail on each executing a bond for a sum of Rs.30,000/- (Rupees Thirty Thousand only) with two sureties each for the like sum.

ii). Each of the petitioner shall appear before the Investigating officer on all Fridays between 10 and 11 a.m., for a period of two months from the date of execution of the above bond or till the date of filing of the final report, whichever is earlier.

iii). They shall not threaten, coerce or intimidate the witnesses of the de facto complainant and shall not, in any manner, get involved in identical offence.

iv). Lastly, it is made clear that in the event of any change

of circumstance, if any relaxation is sought for in the above conditions, the learned Session Judge can consider that request on merits.

The petition is allowed as above.

Sd/-

SUNIL THOMAS
Judge

dpk

/true copy/ PS to Judge.

