

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

Bail Appl.No. 474 of 2015

CRIME NO. 67/2015 OF IRITTY POLICE STATION, KANNUR
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PETITIONER(S)/ACCUSED:

1. ALWIN KURIAN, AGED 18 YEARS,
S/O.P.J.KURIAN, RESIDING AT "PALAMATTATHIL HOUSE"
PAYAM P.O., EDOOR, IRITTY VIA,
KANNUR DISTRICT, PIN - 670 704.
2. SOORAJ N., AGED 19 YEARS,
S/O.CHANDRAN A., RESIDING AT "CHAITHANYA NIVAS",
THILLANKERI P.O., PERINGANAM, KANNUR DISTRICT,
PIN - 670 702.
3. PRASHOBH KUMAR K., AGED 21 YEARS,
S/O.KARUNAN, RESIDING AT "KODINNIL HOUSE",
CUT AND COVER ROAD, MATTANNUR P.O., KANNUR DISTRICT,
PIN - 670 102.
4. SAYOOJ M.S., AGED 19 YEARS,
S/O.SUGUNAN M.R., RESIDING AT "MANJIRAKKAL HOUSE",
PAYAM EAST P.O., EDOOR, IRITTY VIA,
KANNUR DISTRICT, PIN - 670 704.
5. MONISH JOSEPH, AGED 21 YEARS,
S/O.JOSEPH, RESIDING AT "THEKKUMALAYIL HOUSE",
VELIMANAM P.O., VELIMANAM, KANNUR DISTRICT,
PIN - 670 704.

**BY ADVS.SRI.P.K.VARGHESE
SRI.E.C.BINEESH
SMT.M.B.SHYNI**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
05-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A. No. 474 of 2015

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Dated this the 5th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A1, A2, A5, A3 and A4 respectively in Crime No.67 of 2015 of the Iritty Police Station, registered for the offences punishable under Sections 143, 147, 148, 341, 323 and 326 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners is that on 12.01.2015, at 2.15 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like iron rod and wrongfully restrained the defacto complainant and beat him and his friends, thereby causing the fracture of the bone of his right little finger.

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

5. On a perusal of the wound certificate of the defacto complainant, it seems that, he had no case that he was

beaten with iron rod; whereas his case was that he was slapped and his hand was caught hold of by somebody and twisted, thereby he suffered fracture of the base phalanx of his right little finger. Any injury which could be caused by beating with iron rod is not seen. It seems that the investigation of this case is practically over. Considering the facts and circumstances of the case, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, anticipatory bail can be granted to the petitioners.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioners shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Thursdays and Mondays commencing from 12.02.2015 for a period of three months.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The 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

DSV/5/2/15

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P.A. To Judge

