

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

Bail Appl.No. 549 of 2015

CRIME NO. 2027/2014 OF OCHIRA POLICE STATION, KOLLAM
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PETITIONER(S)/6TH ACCUSED:

**RATHEESH AGED 28 YEARS, (A6)
S/O.REVI, RAMANI BHAVAN, THAZHAVA THEKKUM MURI,
THAZHAVA VILLAGE, KOLLAM DISTRICT.**

**BY ADVS.SRI.BINU GEORGE
SMT.HEMALATHA**

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA**

BY PUBLIC PROSECUTOR SMT.LISHA A.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
10-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

SUNIL THOMAS, J.

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B.A.No.549 of 2015

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Dated this the 10th day of July, 2015

ORDER

The sixth accused in Crime No.2027 of 2014 of the Ochira Police Station for offences punishable under Sections 143, 147, 148, 323, 341, 326, 294(b) and 427 r/w Section 149 of the Indian Penal Code is the petitioner herein.

2. The allegation of the prosecution is that on 19.11.2014 at about 11 p.m, the accused 7 in number formed into an unlawful assembly in furtherance of their common intention to commit offence and caused bodily injuries on the de facto complainant. It is alleged that the first accused hit him with a cement block and when the de facto complainant fell down, the remaining accused 3 to 7 hit and fisted him on the various parts of the body. He was taken to the hospital and thereafter, the complaint was laid. Petitioner, apprehending arrest, seeks pre-arrest bail.

3. Heard both sides and examined records.

4. It is seen from the records that no overt act is alleged against the sixth accused. The remaining accused, other than the petitioner herein have been arrested at various stages and have

been released on bail.

5. It seems that no serious overt act is alleged against the applicant herein. Further, investigating agency did not think it fit and proper to arrest the applicant till now, even though the incident occurred on 19.11.2014. In the above circumstance, I feel that anticipatory bail can be granted to the applicant subject to the following conditions:

(i) Applicant shall appear before the Investigating Officer on 21.07.2015 between 9 a.m. and 10 a.m., After conclusion of the interrogation, if he is proposed to be arrested, he shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like sum each.

(ii) Applicant shall not interfere in the process of investigation, threaten, coerce or intimidate the witnesses.

(iii) Applicant shall appear before the Investigating Officer as and when called for.

The application is allowed accordingly.

Sd/-

SUNIL THOMAS
Judge

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