

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

Bail Appl.No. 587 of 2015

CRIME NO. 2456/2014 OF PARIPPALLY POLICE STATION, KOLLAM
.....

PETITIONER(S)/ACCUSED NO.2 & 6:

1. YOHANNAN @ RAJKUMAR, AGED 40 YEARS,
S/O.GOPINATHAN, GOPIKA BHAVAN, MANIYARAMUKAL,
VILAVOORKKONAM CHERRY, KALLUVATHUKKAL VILLAGE.
2. K.MANI, AGED 50 YEARS,
S/O.KARUNAKARAN, MANI VILASAM, MANIYARAMUKAL,
VILAVOORKKONAM CHERRY, KALLUVATHUKKAL VILLAGE.

**BY ADVS.SRI.V.V.RAJA
SRI.M.T.SURESHKUMAR**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
06-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

.....
B.A. No.587 of 2015

.....
Dated this the 6th day of February, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A2 and A6 respectively in Crime No.2456/2014 of the Parippally Police Station, Kollam registered for the offences punishable under Sections 143, 147, 148, 294(b), 448, 427, 323, 324, 326, 308 and 354 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 22.12.2014 at 8.30 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like sword, chopper etc. and trespassed into the courtyard of the house of the defacto complainant

and they smashed the glass of the windowpanes thereby causing a wrongful loss of ₹3,000/- to the defacto complainant, and thereafter the first accused inflicted a cut injury on the back of the head of the defacto complainant with a sword and attempted to inflict an injury on his neck. The 2nd accused beat the defacto complainant on his left knee thereby causing fracture of the bone. The other accused kicked and stamped the defacto complainant. The 3rd accused caught hold of the sister of the defacto complainant thereby outraging her modesty. The 1st petitioner was arrested on 17.01.2015 and the 2nd petitioner was arrested on 07.01.2015 and thereafter they have been in custody.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor. The learned Public Prosecutor has opposed the petition. Perused the CD.

5. The learned Public Prosecutor has pointed out that the 1st petitioner is an accused in another case also

which falls under Section 323 IPC. Investigation of the case as far as the present petitioners are concerned 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 and the present stage of investigation, this court is of the view that the petitioners can be enlarged on bail.

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) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 13.02.2015 for a period of six 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

ul/-

[True copy]

P.S. to Judge