

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

Bail Appl..No. 640 of 2015

CRIME NO. 8/2015 OF PUDUKKAD POLICE STATION , TRISSUR

APPLICANTS/ACCUSED NOS.1 TO 5, 7 & 8:

1. ALBIN, AGED 22 YEARS, S/O.AMBAS, CHEETTIPARAMBAN HOUSE,
ATHOOR KALLOOR VILLAGE, THRISSUR.
2. BINU, AGED 21 YEARS, S/O.ANTHONY,
ARUMBOOR KODAKKADAN HOUSE,
ATHOOR KALLOOR VILLAGE, THRISSUR.
3. RAMESH, AGED 24 YEARS, S/O.MANI @ RADHAKRISHNAN,
CHARTHAMKODAM HOUSE, ATHOOR KALLOOR VILLAGE, THRISSUR.
4. VISHNU, AGED 20 YEARS, S/O.MANOCHARAN, NJARASSERY HOUSE,
ATHOOR KALLOOR VILLAGE, THRISSUR.
5. VIPIN, AGED 21 YEARS, S/O.GOVINDAN, PALOLY HOUSE,
ATHOOR KALLOOR VILLAGE, THRISSUR.
6. SANNUVAL, AGED 23 YEARS, S/O.GOPI, MADATHIPARAMBIL HOUSE,
ATHOOR KALLOOR VILLAGE, THRISSUR.
7. SREEJITH, AGED 22 YEARS, S/O.SIDDHAN,
MADATHIPARAMBIL HOUSE, AADOOR KALLOOR VILLAGE, THRISSUR.

BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH

RESPONDENT(S)STATE:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PJ

B.KEMAL PASHA, J.

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B.A. No.640 of 2015

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Dated this the 9th day of February, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 5, 7 and 8 respectively in Crime No.8/2015 of the Pudukkad Police Station registered for the offences punishable under Sections 341, 323, 324, 506(1), 294 (b) and 308 read with Section 34 Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioners and other accused is that on 01.01.2015 at 2 p.m., they attacked the de facto complainant and his friends and caused injuries. It is alleged that A1, who is the first petitioner herein has inflicted cuts on the de facto complainant and his friends with a sword, and the other petitioners abused, intimidated and beat the de facto complainant and his friends.

4. Heard the learned counsel for the petitioners and the

learned Public Prosecutor.

5. The learned counsel for the petitioners pointed out that a counter case has been registered in the incident as Crime No.9/2015. It seems that the allegations against the first petitioner are very grave and serious. He has caused injuries to the de facto complainant and his friends by cutting with a sword. As far as other petitioners are concerned, no specific overt acts have been alleged against them. No criminal antecedents have been reported against the petitioners. Considering the facts and circumstances of the case and the present stage of investigation, I am satisfied that anticipatory bail can be granted to petitioners 2 to 7. Considering the seriousness of the allegations against the first petitioner, I am of the view that he is not entitled to the discretionary relief of anticipatory bail.

6. In the result, this bail application is allowed in part and the investigating officer or such other police officer, who is

conducting the arrest of the petitioners, is directed to enlarge petitioners 2 to 7 on bail in the event of their arrest on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) Petitioners 2 to 7 shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays, commencing from 16.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Petitioners 2 to 7 shall not tamper with the evidence or influence witnesses.

(iii) Petitioners 2 to 7 shall make themselves available for interrogation as and when required by the investigating officer.

(iv) Petitioners 2 to 7 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.

This Bail Application, as far as the first petitioner is concerned, is dismissed.

Sd/-
B.KEMAL PASHA, JUDGE

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P.A to Judge