

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

Bail Appl..No. 1164 of 2015 ()

**CRIME NO. 109/2015 OF KOOTHATTUKULAM POLICE STATION,
ERNAKULAM DISTRICT**

PETITIONERS/ACCUSED 4-5 :

- 1. SUBI, AGED 23 YEARS,
S/O. KUNJUMON, RESIDING AT POAREKKATTUKUZHIL HOUSE,
ILLIKKAMUKKADA BHAGAM, PIRAVAM VILLAGE,
ERNAKULAM DISTRICT, PIN-686664**
- 2. CK. JOHN, AGED 24 YEARS, S/O KURIAKOSE,
RESIDING AT CHIRANGADA POUTHENPURAYIL HOUSE,
KOTTAPPURAM KARA, RAMAMANGALAM VILLAGE,
ERNAKULAM DISTRICT, . PIN-686663**

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
ERNAKULAM, COCHIN-682011
REPRESENTED BY THE INVESTIGATING OFFICER IN
CRIME NO.109/2015 OF KOOTHATTUKULAM POLICE STATION
ERNAKULAM DISTRICT**

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-03-2015 ALONG WITH BA NO. 1165/2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

bp

B.KEMAL PASHA, J.

.....
B.A Nos. 1164 & 1165 of 2015
.....

Dated this the 6th day of March, 2015.

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners in B.A No.1165/2015 are A1 to A3 and petitioners in B.A No.1164/2015 are A4 and A5 in Crime No 109 of 2015 of Koothattukulam Police Station registered for the offences punishable under Sections 143, 147, 148, 506(ii), 323, 308, 427 read with Section 149 IPC.

3. The allegation against the petitioners is that on 9-2-2015 at 1.15 a.m, the petitioners along with other accused committed house trespass into the house of the de-facto complainant and inflicted injuries on the de-facto complainant by using axe, iron rod etc. It is alleged that they have smashed and destroyed the glass of the window panes of the house and glasses of two cars kept in the car porch, and a Mahindra pick up jeep, an autorickshaw and a scooter parked on the roadside in

front of the house, thereby causing a loss to the tune of Rs.60,000/- to the de-facto complainant and his father's brother. The petitioners in B.A No.1165/2015 have been in custody for the period from 9-2-2015 onwards and the petitioners in B.A No.1164/2015 have been in custody for the period from 15-2-2015 onwards.

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

5. The contents of the C.D prima facie reveal the complicity of the petitioners. A1 to A3 are involved in Crime No.103/2015 of the very same police station. It seems that the investigation of the case as far as the petitioners are concerned, is practically over. The continued detention of the petitioners in custody is not required for the continued investigation of the case. At the same time, the severe loss and damages caused by the petitioners have to be taken note of. By making a provision to compensate the loss sustained to the de- facto complainant and his father's brother, I am of the view that the petitioners can

be enlarged on bail on conditions.

In the result, this Bail Applications are allowed and the petitioners shall be enlarged on bail on each of them executing a bond for ₹25,000/-(Rupees twenty five thousand only) with two solvent sureties 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) Each one of the petitioners shall deposit an amount of Rs.12,000/- before the court below.

(ii) The petitioners shall report before the Investigating Officer in between 9 am and 11 am on all Fridays and Tuesdays, commencing from 13-3-2015 for a period of six months.

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

(iv) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(v) 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.

(B.KEMAL PASHA, JUDGE)

smm