

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE SUNIL THOMAS**

**MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937**

**Bail Appl..No. 1241 of 2015 ()**

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CRIME NO. 114/2015 OF THEKKUMBHAGAM POLICE STATION, KOLLAM DIST.**

**.....**

**PETITIONER/ACCUSED NO.1:**

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**SIJO, AGED 18 YEARS,  
S/O.SEBASTIAN, SARPATHUVILA,  
(KOCHUTHERIYIL VAREZHATHU),  
THEKKUMBHAGAM MURI,  
THEKKUMBHAGAM, KOLLAM.**

**BY ADV. SRI.M.T.SURESHKUMAR.**

**RESPONDENT/COMPLAINANT:**

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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, KOCHI-31.**

**BY PUBLIC PROSECUTOR SMT.M.G. LISHA.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 13-07-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**rs.**

**SUNIL THOMAS, J.**

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**B.A.No.1241 of 2015**

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Dated this the 13<sup>th</sup> day of July, 2015

**ORDER**

The first accused in Crime No.114 of 2015 of the Thekkumbhagam Police Station for offences punishable under Sections 143, 147, 148, 447, 294(b), 506(ii), 323 and 324 r/w Section 149 of the Indian Penal Code is the petitioner herein.

2. The prosecution allegation is that on 20.01.2015 at about 7.30 p.m, petitioner along with few other members formed into an unlawful assembly and with a common object of causing bodily injury on the de facto complainant and others, armed with iron rod and sticks attacked the de facto complainant. When the mother intervened, she also was beaten up. Both of them sustained injuries and they were taken to the hospital. The mother of the de facto complainant sustained fracture injuries. Crime was registered and police is investigating. Petitioner apprehends arrest and hence the application for pre-arrest bail.

3. Heard both sides and examined the records.

4. The case diary indicates that the first and second accused have used iron rods. The first accused allegedly hit on the shoulder of the de facto complainant and thereafter when it was repeated, it

was resisted by the de facto complainant. He sustained injury on the arm also. When the mother intervened, she was attacked by the second accused Arun. The fracture injuries caused on the mother possibly can be attributed to the hit by the second accused. Considering the fact that the petitioner herein is only 18 years of old and further fact that in relation to the same incident or in relation to the incident that took place as a sequel to this incident, another crime 126 of 2015 for offences punishable under Sections 143, 147, 447, 323, 324 and 294(b) r/w Section 149 of the Indian Penal Code has been registered, I am inclined to take a lenient view, notwithstanding the fact that the allegation against the petitioner herein cannot be lightly seen. It is also true that Annexure-1 crime has been laid sometime after the present crime has been registered. Further, the degree of offence alleged in the above case is comparatively minor than that is alleged in the present case. Notwithstanding the above, I am inclined to take a lenient view in this case, for the above reasons. Hence, the application is allowed as follows:

- (i) Petitioner herein shall appear before the Investigating Officer on 22.07.2015 between 10 a.m. and 11 a.m.. After interrogation, he shall be released on bail on he executing a bond for

Rs.30,000/- (Rupees thirty thousand only) with two sureties for the like sum each.

(ii) Petitioner shall appear before the Investigating Officer on all Tuesdays and Saturdays between 10 a.m. and 11 a.m. for a period of one month from the date of execution of the above bond or till the date of filing the final report, whichever is earlier.

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

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

Sd/-

**SUNIL THOMAS**  
**Judge**

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