

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Bail Appl..No. 1260 of 2015 ()

**CRIME NO. 213/2015 OF SAKTHIKULANGARA POLICE STATION,
KOLLAM DISTRICT**

PETITIONERS/ACCUSED NOS. 1 TO 4 :

- 1. SUNILKUMAR, AGED 26 YEARS,
S/O.SREEKANTHAN, KAKKANATAYYAM, KUREEPUZHA CHERRY,
KAVANADU P.O, KOLLAM NOW RESIDING AT KARIPOLIL
NABYARAZATHU PADINJATTATHIL, KANNIMEL CHERRY, KAVANADU
KOLLAM.**
- 2. SIJU, AGED 25 YEARS,
S/O.SASIDHARAN PILLAI, SINIVIHAR, KUREEPUZHA CHERRY
KAVANADU P.O, KOLLAM DISTRICT
NOW RESIDING AT VARIKAZIKATHU KIZHAKATHIL
KURUPUZHA CHERRY, KAVANADU, KOLLAM.**
- 3. MANESH KUMAR, S/O.G.MANIYAN, AGED 23 YEARS,
POONTHAL PURAYIDAM, CUTCHERRY WARD, KOLLAM.**
- 4. ARUN, AGED 27 YEARS,
S/O.GOPINATHAN NAIR, ANDOOR VEEDU, KUREEPUZHA CHERRY,
KAVANADU P.O, KOLLAM DISTRICT, NOW RESIDING AT GOPALAM,
ADITHYA NAGAR, A.N.R 149, KUREEPUZHA CHERRY
KAVANADU P.O, KOLLAM DISTRICT.**

BY ADV. SRI.C.RAJENDRAN

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

B.KEMAL PASHA, J.

B.A.No.1260 of 2015 B

Dated this the 23rd day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.2, 1, 3 and 4 in Crime No.213/2015 of Sakthikulangara Police Station registered for the offences punishable under Sections 323, 324 and 308 read with Section 34 of the I.P. C.

3. The allegation against the petitioners is that on 7.2.2015 at 8.30 p.m., they attacked the *defacto complainant*, when the *defacto complainant* attempted to intervene in an incident wherein one of his relatives, named Gopalakrishnan, was being attacked by the petitioners. It is alleged that A1 repeatedly stabbed the *defacto complainant* just below his left armpit, left thigh and right buttock.

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

5. It seems that the *defacto complainant* has sustained 3 lacerated wounds, which were stab wounds. All the main overt acts are alleged against the A1, who is the second petitioner herein. There is no allegation against other petitioners that they have made use of any weapon. Considering the seriousness of the allegations against second petitioner, I am of the view that he is not entitled to discretionary relief of anticipatory bail. At the same time, considering the facts and circumstances of the case and the absence of criminal antecedents on the part of petitioners 1, 3 and 4, I am of the view that anticipatory bail can be granted to them.

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 petitioners 1, 3 and 4, is directed to enlarge these petitioners 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) The said petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays, commencing from 30.3.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(iii) The said petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The said 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.

As far as the second petitioner is concerned, this bail

application is dismissed. At the same time, if so advised, he may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the second petitioner, effect recovery if any, and conduct the investigation and produce him without delay before the concerned Judicial First Class Magistrate's Court, where he can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA,
JUDGE

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PA to Judge