IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

Bail Appl..No. 1599 of 2015 ()

CRIME NO. 2292/2013 OF PERUMBAVOOR POLICE STATION , ERNAKULAM DISTRICT

PETITIONER(S)/ACCUSED:

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1. **SANTHOSH P.M., S/O. MATHAI,AGED 37 YEARS,**
   PALAKAPILLIL HOUSE, VALAYANCHIRANGARA P.O.,
   THIRUTHIPPILLY, PERUMBAVOOR,
   ERNAKULAM DISTRICT.

2. **RAMU K.P., S/O. PADMANABHAN, AGED 37 YEARS,**
   KUNNATHUPARAMBIL HOUSE, VALAYANCHIRANGARA P.O.,
   THIRUTHIPPILLY, PERUMBAVOOR,
   ERNAKULAM DISTRICT.

BY SRI.RENJITH THAMPAN,SENIOR ADVOCATE
ADV.SMT.P.R.REENA

RESPONDENT(S)/STATE & COMPLAINANT:

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

2. **CIRCLE INSPECTOR OF POLICE,**
   PERUMBAVOOR POLICE STATION,
   ERNAKULAM DISTRICT-673 580.

BY PUBLIC PROSECUTOR SRI.P.S.ABDUL KAREEM

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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K. ABRAHAM MATHEW, J.

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B.A.No. 1599 of 2015

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Dated this the 7th day of August, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No. 2292 of 2013 of Perumbavoor Police Station. They are said to have committed the offence under Section 307 of the Indian Penal Code. The prosecution case is that they poured kerosene over the victim and set fire to her, causing her serious injuries and thus committed the offence of attempt to murder.

3. Heard.

4. Learned counsel submits that the allegation is totally false. After the incident, the learned Magistrate recorded the statement of the victim in which she said that the petitioners committed the offence as alleged by the prosecution. Her statement was recorded subsequently. In the subsequent statement she has given a different story. She admitted that she had brought a bottle of kerosene from her own house to the place of occurrence, poured it over herself and set fire to herself. It

appears that the victim of the father also has stated that she took the kerosene from her house in her bag. Having regard to these facts, I am inclined to grant the prayer of the petitioners.

In the result, this application is allowed.

1)The petitioners shall be released on bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

2)They shall surrender their passports before the lower court concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.

3)They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.

4)They shall appear before the Investigating Officer for interrogation if they are so required by him in writing.

5)They shall not intimidate or attempt to influence the witnesses.

6)They shall not destroy or tamper with evidence.

7)They shall not get themselves involved in any other criminal case while they are on bail.

If the petitioners surrender before the Magistrate

this order is not applicable and the learned Magistrate may pass appropriate orders.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge