

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Bail Appl..No. 1685 of 2015 ()

CRIME NO. 190/2015 OF PANDALAM POLICE STATION, PATHANAMTHITTA

PETITIONERS/ACCUSED NO.2 AND 3 :

- 1. C.G.RAHUL @ HARAE KRISHNA, AGED 33 YEARS,
S/O. GOPINATHAN ACHARY, CHERITHU HOUSE,
VAYALINUM PADINJARU MURI, KEERUKUZH P.O.,
THUMPAMON VILLAGE, PATHANAMTHITTA DISTRICT.**
- 2. SUBHASH B., AGED 34 YEARS,
S/O. BHANU, PANIKKANTHARA HOUSE,
BHAGAVATHIKKULAM PADINJARU MURI, KEERUKUZH P.O.,
THUMPAMON VILLAGE, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.SAKIR.K.H.

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE,
PANDALAM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.1685 of 2015

Dated this the 5th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused 2 and 3 in Crime No.190 of 2015 of Pandalam Police Station, Pathanamthitta District. They along with the first accused are alleged to have committed the offences under Sections 294(b), 323, 324 and 326 read with Section 34 of the Indian Penal Code.

3. The prosecution case is that they assaulted the father of the first informant with sticks causing injuries including fracture of a bone.

4. Heard.

5. One of the victims sustained fracture of the left ulna apart from other injuries. The learned counsel submits that first accused was assaulted by the victim and others and he sustained injuries. It is seen from Annexure-A2 that the injuries sustained by the first informant are only abrasions. The stick has not been

recovered. So it is not proper to grant anticipatory bail but I take notice of the fact that there is no allegation that the second petitioner used any weapon. Having regard to this fact I am inclined to grant him anticipatory bail.

In the result, this application is allowed in part.

1. The second petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the police in connection with this case.

2. He shall appear before the investigating officer between 10 a.m to 11 a.m alternate Wednesday for three months or till the final report is filed whichever is earlier.

3. He shall not get himself involved in any other criminal case while he is on bail.

4. He shall not intimidate or attempt to influence the witnesses.

5. He shall not destroy or tamper with the evidence.

6. He shall surrender his passport before the lower court concerned of if he does not have one, he shall file an

affidavit to that effect within five days of his release.

7. He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

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

If the petitioner surrenders before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

The application is dismissed so far as the second petitioner is concerned.

The learned counsel submits that the third petitioner will surrender before the investigating officer. He may do so if he is so advised.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge