

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

Bail Appl..No. 1686 of 2015 ()

CRIME NO. 434/2015 OF CHENGANNUR POLICE STATION , ALAPPUZHA DISTRICT

PETITIONER(S)/ACCUSED 3 & 4:

- 1. RENJITH @ CHIKKU, AGED 23 YEARS,
S/O. SAJIMON, MYLAMMAPOIKAYIL HOUSE, PERGALA,
MULAKUZHA P.O., CHENGANNUR, ALAPPUZHA DISTRICT.**
- 2. YADHU THAMPI @ KUTTAN, AGED 25 YEARS,
S/O. THAMPI, THENGUMPARAMBIL HOUSE, PERGALA,
MULAKUZHA P.O., CHENGANNUR, ALAPPUZHA DISTRICT.**

BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

RESPONDENT(S)/STATE COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERLA, ERNAKULAM.PIN-682 031**
- 2. SUB INSPECTOR OF POLICE,
CHENGANNUR POLICE STATION,
ALAPPUZHA DISTRICT-686 001**

BY PUBLIC PROSECUTOR SMT. MADHUBEN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

RAJA VIJAYARAGHAVAN.V. J

B.A. 1686 of 2015

Dated 18th June, 2015

ORDER

The petitioners herein are accused Nos.3 and 4 in Crime No. 434 of 2015 of the Chengannur police station. The said crime is registered for the offense punishable under Sections 341, 323, 308 r/w Section 34 IPC.

2. The gist of the allegation as per the earliest records is that, the petitioners along with the co-accused in pursuance of their common intention wrongfully restrained the injured, Arun, on 3.3.2015 at 12.00 in the night, and assaulted him with iron rods, stick and the rod of an umbrella and thereby committed the offence.

3. I have heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. The learned counsel for the petitioner submitted

that no specific over act has been alleged against the petitioners and that the institution of crime is politically motivated. When the case had come up earlier, the learned Public Prosecutor was directed to produce the accident register-cum-wound certificate of the injured. In compliance with the said direction, the accident register-cum-wound certificate of the injured Arun, issued by Dr.Alex Mathew, Century Hospital, at 1.45 am on 4.3.2015 has been produced. In the said certificate, it is mentioned that Arun had sustained injuries in a road traffic accident when his two wheeler had skidded near the Century Hospital. It is also evident from the wound certificate that he was under the influence of alcohol when the incident had happened.

5. The wound certificate falsifies the version of the complainant that he was assaulted by the petitioners.

6. In view of the above, I am of the opinion that the allegation against the petitioners is not prima facie

correct and there is no need to subject them to custodial interrogation by the police. Hence, the application is allowed on the following terms and conditions.

1. The petitioners in the event of their arrest, shall be released on bail on their executing a bond for Rs.25,000/- (Twenty five thousand only) each, with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.

4. The petitioners shall cooperate with the investigation and shall appear before the investigating officer as and when required.

5. Petitioners shall not threaten or attempt to influence the witnesses and shall not get involved in any criminal case while on bail .

6. Petitioners shall in no event tamper or attempt to tamper with the evidence nor shall they hamper the investigation.

Violation of any of the above conditions

will entitle the jurisdictional Court to
cancel the bail in accordance with the
law.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True Copy//

P.S.ToJudge