

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 24TH DAY OF APRIL 2015/4TH VAISAKHA, 1937

Bail Appl..No. 1749 of 2015 ()

SC.NO. 847/2013 OF ADDL. SESSIONS COURT - III, ALAPPUZHA

PETITIONER//ACCUSED NO 1:

**RATHEESH @ KONTHAN, AGED 30 YEARS,
S/O.THANKAPPAN, MULLAPPARAMBU VEEDU,
WARD NO.7, CHERTHALA SOUTH PANCHAYAT,
ALAPPUZHA.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT/RESPONDENT & STATE:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM- 682 031
(SC NO. 847/2013 ON THE FILE OF THE COURT OF
ADDL.SESSIONS JUDGE-III, ALAPPUZHA)**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

BABU MATHEW P. JOSEPH, J.

B.A.No. 1749 of 2015

Dated this the 24th day of April, 2015

ORDER

This petition is filed under Section 439 of Cr.P.C. for bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent.

3. The petitioner is the 1st accused in S.C.No.847 of 2013 on the files of the Additional Sessions Court-III, Alappuzha. The offences alleged are under Sections 143, 147 and 302 read with Section 149 of IPC. Learned counsel for the petitioner submits that the petitioner was released on bail during investigation of the case. Subsequently, after the committal of the case, he could not appear before the court for compelling reasons. The court issued warrant of arrest against the petitioner. Thereafter, his sureties

produced him before the court on 20.11.2014. The sureties were discharged and the petitioner was remanded to judicial custody. He continues to be in judicial custody. He could not apply to the court below for releasing him on bail for want of sufficient sureties. Now sureties are available. If the petitioner is granted bail, he will be abided by all the conditions imposed by this Court. Learned counsel prays for granting bail to the petitioner.

4. Learned Public Prosecutor, on instructions, submits that the petitioner has criminal antecedents. Even then, in the facts and circumstances, he has not seriously opposed the bail application. On considering the facts and circumstances, this Court is satisfied that the petitioner can be granted bail imposing appropriate conditions.

5. Therefore, the petitioner is granted bail subject to the following conditions:

- 1) The petitioner shall be released on bail

on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Addl. Sessions Court-III, Alappuzha.

2) The petitioner shall report before the Investigating Officer, namely, the Circle Inspector of Police, Mararikulam Circle, on all alternate Thursdays, commencing from next Thursday after released on bail, between 9 a.m. and 11 a.m. for a period of three months.

3) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court.

4) The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

5) The petitioner shall not commit any similar offence while on bail.

6) The petitioner shall not leave India without the previous permission of the Addl. Sessions Court-III, Alappuzha.

This application is allowed as above.

Sd/-

BABU MATHEW P. JOSEPH, JUDGE.

//TRUE COPY//

P.A TO JUDGE

DG