

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

Bail Appl..No. 1790 of 2015 ()

CRIME NO. 397/2015 OF KUNNAMKULAM POLICE STATION , TRISSUR

PETITIONER(S) :

1. UJITH @ UCHI AGED 28 YEARS
S/O.UNNIKRISHNAN, KANDAMPPULLY HOUSE, KIZHUR
KUNNAMKULAM, THRISSUR DISTRICT.

2. AJITH @ CHEMBAN
S/O.PREMARAJAN, KARLY HOUSE KIZHUR, KUNNAMKULAM
THRISSUR DISTRICT.

3. VINEETH @ MANDIRI
S/O.VELAYUDHAN, KARLI HOUSE, KIZHUR
KUNNAMKULAM, THRISSUR DISTRICT.

BY ADV. SRI.V.MADHUSUDHANAN

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

2. STATION HOUSE OFFICER
(CRIME NO.397 OF 2015) KUNNAMKULAM POLICE STATION
THRISSUR DISTRICT. 673 571.

BY PUBLIC PROSECUTOR SRI.REJI JOSEPH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
12-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.ABRAHAM MATHEW, J

B.A.No. 1790 of 2015

Dated this the 12th May, 2015

ORDER

Petitioners are accused 1, 3 and 5 in Crime No.397/2015 of Kunnamkulam Police Station registered for the offences under Sections 143, 147, 148, 341, 323, 324, 325 and 307 read with 149 IPC. The allegation is that the petitioners assaulted the victim with soda bottle, iron block etc. causing serious injuries to one Thulasidas.

2. Heard.

3. Specific allegation against the first petitioner is that he assaulted the first informant with a soda bottle causing him serious injuries in the abdomen. The wound certificate fully supports the allegation. The first informant sustained very serious injuries in the abdomen. Learned counsel for the petitioners submits that there is no allegation in the first information statement that the third petitioner (fifth accused) assaulted any one. That is true.

But, the allegation is that he assaulted a person other than the first informant by name 'Sageesh'. The statement of Sageesh was that the third petitioner assaulted him with iron block. Since the weapons are to be recovered, it is not at all proper to grant anticipatory bail to these petitioners. But, there is no specific allegation against the second petitioner, who is the third accused.

4. In the result, this application is allowed in part and the second petitioner is granted anticipatory bail on the following conditions:

- i) The second petitioner shall be released on bail after interrogation on his executing a bond for ₹25,000/- with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.
- ii) He shall appear before the Investigating Officer for interrogation on every alternate Fridays for four months or till the final report is filed, which is earlier.
- iii) He shall not intimidate or attempt to influence the witnesses or tamper with evidence.

- iv) He shall co-operate with the investigation.
- v) In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

The application is dismissed so far as petitioners 1 and 3 are concerned. The submission of learned counsel for the petitioners that these petitioners will surrender before the Investigating Officer is recorded. They may do so, if they are advised.

**K.ABRAHAM MATHEW
JUDGE**

vgs13/5/15