

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937**

**Bail Appl..No. 1829 of 2015 ()**  
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**CRIME NO. 335/2015 OF POOCHAKKAL POLICE STATION , ALAPPUZHA**

**PETITIONERS/ACCUSED :**  
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- 1. SIBY VARGHESE, AGED 28 YEARS,  
S/O.VARGHESE, KUNNATHU VEEDU, PERUMBALAM P.O.**
- 2. VIPIN, AGED 25 YEARS,  
S/O. SUTHAN, EDAN KETIL VEEDU, PERUMBALAM P.O.**

**BY ADV. SRI.K.S.RAJEEV (ALUVA)**

**RESPONDENT/COMPLAINANT :**  
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**STATE OF KERALA  
THROUGH THE SUB INSPECTOR OF POLICE,  
POOCHACKAL POLICE STATION,  
REP. BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

**BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 06-04-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**bp**

**B. KEMAL PASHA, J.**

.....  
B.A. No.1829 of 2015  
.....

*Dated this the 6<sup>th</sup> day of April, 2015*

**ORDER**

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Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused Nos.2 and 5 respectively in Crime No.335/2015 of Poochackal Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 294(b) and 308 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners and other accused is that on 22.03.2015 at 10 p.m., they formed themselves into an unlawful assembly armed with deadly weapons and attacked one Sujith and Vinoj and the de facto complainant. It is alleged that the de facto complainant and the said Sujith and Vinoj were beaten up with iron rod and iron pipes. The petitioners have been in custody for the period from 24.03.2015 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor.

5. It seems that the investigation is practically over. No criminal antecedents have been reported against the petitioners. Having regard to the period undergone by the petitioners in custody and the present stage of investigation, and the facts and circumstances of the case, I am satisfied that the petitioners can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

*(i) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays, commencing from 13.04.2015 for a period of three months or till the filing of the final report in this case, whichever is*

*earlier.*

*(ii) The petitioners shall not tamper with the evidence or influence witnesses.*

*(iii) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.*

*(iv) The petitioners shall not involve in any offence while on bail.*

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/06/04

*// True Copy //*

*PA to Judge*