

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

Bail Appl..No. 2026 of 2015 ()

CRIME NO. 208/2015 OF ALAPPUZHA SOUTH POLICE STATION, ALAPPUZHA DIST.

.....

PETITIONERS/ACCUSED 1 & 3:

- 1. MANU SANKER, AGED 22 YEARS,
S/O.MADHU, SANKARZERRYVELI,
KAITHAVANA, ALAPPUZHA.**
- 2. VIVEK SATHYAN, AGED 22 YEARS,
S/O.MADHU, SANKARZERRYVELI,
KAITHAVANA, ALAPPUZHA.**

**BY ADVS.SRI.M.D.SASIKUMARAN,
SRI.GEORGE MATHEW,
SRI.SUNIL KUMAR A.G,
SRI.DIPU JAMES.**

RESPONDENTS/COMPLAINANTS:

**STATE OF KERALA,
REPRESENTED BY INSPECTOR OF POLICE,
ALAPPUZHA SOUTH POLICE STATION,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

.....
B.A. No.2026 OF 2015
.....

Dated this the 10th day of April, 2015

ORDER

Petition filed under Section 439 Cr.PC.

2. Petitioners are A1 and A3 in Crime No.208/2015 of the Alappuzha South Police Station, registered for the offences punishable under Sections 143, 147, 148, 458, 323, 324, 354(A), 427 and 308 read with Section 149 of the Indian Penal Code.

3. The allegation against the petitioners is that on 25.02.2015 at 11.15 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like iron pipes, and trespassed into the house of the defacto

complainant and beat him with iron pipe and outraged the modesty of his mother by pushing her down, when she intervened for his rescue. It is alleged that they were attacked with granite stone also. The door, tube lights and other house hold articles were smashed and destroyed thereby causing a wrongful loss of Rs.8,000/- to the defacto complainant. Petitioners have been in custody for the period from 27.02.2015 onwards.

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

5. It seems that the allegations against the petitioners are very grave and serious. The learned Public Prosecutor has pointed out that the first petitioner is an accused in two other criminal cases also wherein some similar instances are involved. The prosecution records reveal that investigation of this case is practically over. Continued detention of the petitioners in custody is not required for the continued investigation of this case. Having

regard to the period undergone by the petitioners in custody, I am of the view that the petitioners can be enlarged on bail, by making a provision for compensating the loss sustained to the defacto complainant.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each 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 deposit an amount of ₹4,000/- each (Rupees four thousand only) before the court below, and the said amount shall be kept in deposit till the disposal of the case, for compensating the loss, if any, sustained to the defacto complainant.

(ii) The petitioners shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays

commencing from 17.04.2015 for a period of six months.

(iii) Except for observing condition No.(ii) above, the petitioners shall not enter the local limits of the Alappuzha South Police Station, for a period of six months from today.

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

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

(vi) The petitioner 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

ul/-

[True copy]

P.S. to Judge