

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. 2029 of 2015 ()

CRIME NO. 209/2015 OF ALAPPUZHA SOUTH POLICE STATION, ALAPPUZHA DIST.

PETITIONER/ACCUSED NO.1:

**MANU SANKER, AGED 22 YEARS,
S/O.MADHU, SANKARZERRYVELI,
KAITHAVANA, ALAPPUZHA.**

**BY ADVS.SRI.K.S.HARIHARAPUTHRAN,
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 SMT.LALIZA. T.Y.

**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.2029 OF 2015
.....

Dated this the 10th day of April, 2015

ORDER

Petition filed under Section 439 Cr.PC.

2. Petitioner is the 1st accused in Crime No.209/2015 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 petitioner and the other accused 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 wife 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.20,000/- to the defacto complainant. The petitioner has been in custody for the period from 27.02.2015 onwards.

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

5. It seems that the allegations against the petitioner are very grave and serious. The learned Public Prosecutor has pointed out that the 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 petitioner in custody is required for the continued investigation of this case. Having regard to the period

undergone by the petitioner in custody, I am of the view that the petitioner 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 petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh 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 petitioner shall deposit an amount of ₹20,000/- (Rupees eight 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 petitioner 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 petitioner shall not enter the local limits of the Alappuzha South Police Station, for a period of six months from today.

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

(v) The petitioner shall make himself 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