

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

Bail Appl..No. 2031 of 2015 ()

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CRIME NO. 28/2015 OF KARIMKUNNAM POLICE STATION, IDUKKI DISTRICT.**

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PETITIONERS/ACCUSED:

- 1. SANTHOSH JOY, AGED 33 YEARS,
S/O.JOY PHILIPOSE, KALLUNKAL HOUSE,
KARIMKUNNAM P.O. PLANTATION,
PONGUMPUZHA BHAGAM, IDUKKI DISTRICT.**
- 2. RAJESH N.P., AGED 30 YEARS,
S/O.PAILY JOSEPH, NIRAPPUHOTTIYIL HOUSE,
THATTARATHATTA P.O., KATTOLY, IDUKKI DISTRICT.**
- 3. JINSON KURIAN, AGED 28 YEARS,
S/O.KURIAN JOSEPH, MADAPPATTU HOUSE,
THATTARATHATTA P.O., KATTOLY, IDUKKI DISTRICT.**
- 4. ABY K.SABU, AGED 20 YEARS,
S/O.SABU MATHEW, KOCHUMATTATHIL HOUSE,
THATTARATHATTA P.O, KATTOLY, IDUKKI DISTRICT.**
- 5. JAIS JAMES, AGED 23 YEARS,
S/O.JAMES K.M., KOCHUMATTATHIL HOUSE,
THATTARATHATTA P.O, KATTOLY, IDUKKI DISTRICT.**

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

RESPONDENTS/STATE:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031,
(CRIME NO.28/2015 OF KARIMKUNNAM POLICE STATION,
IDUKKI DISTRICT).**

Bail Appl..No. 2031 of 2015

**2. STATION HOUSE OFFICER,
KARIMKUNNAM POLICE STATION,
IDUKKI DISTRICT-685 586,
(CRIME NO.28/2015 OF KARIMKUNNAM POLICE STATION,
IDUKKI DISTRICT).**

BY PUBLIC PROSECUTOR SRI.C. RASHEED.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

B.A. No.2031 of 2015

Dated this the 31st day of July 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused nos.3 to 7 in Crime No.28 of 2015 of Karimkunnampolice station registered for the offences under Secs.143, 144, 147, 148, 302, 324 and 506(ii) read with Sec.149 of the Indian Penal Code. The prosecution case is that they along with the co-accused assaulted the victim, who died as a result of the injuries sustained by him.

3. Heard both sides.

4. Learned counsel submits that the petitioners are not involved in the incident and they were falsely implicated in the course of investigation without any evidence.

5. The names of the assailants are specifically mentioned in the First Information Statement given by one of the victims who is the son of the deceased. The

names of the petitioners do not find a place in it. Long thereafter, the petitioners were implicated as accused. So I am inclined to grant the prayer of the petitioners.

In the result, the bail application is allowed.

1) The petitioners shall be released on bail after interrogation on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

2) They shall appear before the Investigating Officer for interrogation if they are so required by him in writing.

3) They shall surrender their passports before the lower court concerned or if they do not have the one, file affidavits to that effect.

4) They shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5) They shall not destroy or tamper with

evidence nor shall they get themselves involved in any other criminal case.

6) They shall not intimidate or attempt to influence the witnesses.

7) They shall co-operate with investigation of the case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

If the petitioners surrender before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

**K. ABRAHAM MATHEW
JUDGE**

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