

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 15TH DAY OF MAY 2015/25TH VAISAKHA, 1937

Bail Appl..No. 2108 of 2015 ()

**CRIME NO. 373/2015 OF PATHANAMTHITTA POLICE STATION,
PATHANAMTHITTA DISTRICT**

PETITIONER(S)/ACCUSED:

1. MIDHUN R.NAIR, AGED 30 YEARS,
S/O.RAVEENDRAN NAIR, KUZHIKKATTU HOUSE,
MALAYALAPPUZHA THAZHAM P.O., PATHANAMTHITTA.
2. ABHIJITH,
S/O.GOPALAKRISHNAN NAIR, KAIMOOTTIL HOUSE,
THAZHAM, MALAYALAPPUZHA,PATHANAMTHITTA.
3. PREMDAS, AGED 18 YEARS,
S/O.HARIDAS, MUKKUTTUNGAL, ASSARIPPARAMBIL,
MALAYALAPPUZHA, PATHANAMTHITTA.
4. VIBIN, AGED 22 YEARS,S/O.VIJAYAN,
CHERIVUKALAYIL, THALACHIRA ERAM P.O.,
MALAYALAPPUZHA VILLAGE, PATHANAMTHITTA.

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENT/COMPLAINANT :

**STATE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.PIN-682 031**

BY PUBLIC PROSECUTOR SRI.JIBU P. THOMAS

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

K.ABRAHAM MATHEW, J.

B.A.No.2108 of 2015

Dated this the 15th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused 1, 7,9 and 10 in Crime No.373 of 2015 of Pathanamthitta Police Station registered for the offences under Sections 143,147,341,353,332 r/w 149 of IPC.

3. The allegation is that they wrongfully restrained a police officer assaulted him and prevented him from discharging his duties.

4. Heard.

5. The 1st petitioner is involved in four other criminal cases. But the other petitioners are not. It is not proper to grant the prayer of the 1st petitioner. But since the other petitioners appear to be first offenders and the victim did not sustain any serious injuries, I am inclined to grant their prayer.

In the result, this application is allowed in part with the following conditions:

i) The petitioners 2, 3 and 4 shall be released on bail after interrogation on their executing a bond for Rs.25,000/-(Rupees Twenty five thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

ii) They shall appear before the Investigating

Officer for interrogation if they are so required by him in writing.

iii) They shall not destroy or tamper with evidence.

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 the first petitioner is concerned.

**K.ABRAHAM MATHEW
JUDGE**

pm