

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

Bail Appl..No. 2118 of 2015

CRIME NO. 581/2015 OF ERAVIPURAM POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED NO.2 & 3:

- 1. RAHUL KRISHNAN, AGED 23 YEARS,
S/O.RADHAKRISHNAN, AMMA VEEDU, AYATTTHIL P.O.
KOLLAM.**
- 2. SUJIN, AGED 22 YEARS,
S/O.SURESH, SUJIN NIVAS, GANDHI NAGAR 11,
VADAKKEVILA CHERRY, VADAKKEVILA VILLAGE,
KOLLAM DISTRICT.**

**BY ADVS.SRI.K.SIJU
SRI.S.ABHILASH
SMT.NIMA JACOB**

RESPONDENT(S):

**STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
ERAVIPURAM POLICE STATION,
REPRESENTED BY PUBLICPROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.MADHUBEN.M.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

SUNIL THOMAS, J.

B.A. No.2118 OF 2015

Dated this the 9th day of July, 2015

O R D E R

The second and the third accused in Crime No.581/2015 of Eravipuram Police Station for alleged offences punishable under Sections 143,147,148,323,324 & 308 read with Section 149 IPC seeks pre-arrest bail.

2. The prosecution alleged is that due to previous enmity, the petitioners herein along with the remaining accused formed into an unlawful assembly on 7/4/2015 at about 1.p.m. and attacked the defacto complainant. The first accused allegedly used a wooden pole and caused injuries on the head of the defacto complainant. The second and the third accused are alleged to have fisted on the various part of the body. Claiming that they are innocent of the crime, the accused have approached this Court seeking pre-arrest bail.

3. Heard both sides and perused the records.

4. The main overtact is alleged against the first accused. The pole allegedly used by him has been recovered. The incident happened during day time. There is nothing on record to show that the petitioners herein are involved in any other case. The investigation seems to have substantially progressed. Considering these facts, I feel

that the custodial interrogation the second and the third accused, who are the petitioners herein, may not be warranted and the bail can be granted to them subject to the following conditions:

i). The petitioners shall appear before the Investigating Officer on 16/7/2015 between 10 and 11 a.m. They shall undergo interrogation and thereafter in the event of they being arrested, they shall be released on bail on each of the petitioners executing a bond for a sum of Rs.25,000/- (rupees Twenty Five thousand only) with two solvent sureties for the like sum each.

ii). Each of the petitioner shall appear before the investigating officer on all Thursdays between 10 and 11 a.m. for a period of one month from the date of execution of the bond.

Iii). They shall co-operate with the investigation and shall not in any manner interfere with the investigation, threaten or intimidate the defacto complainant and the witnesses.

The petition is allowed as above.

Sd/-

SUNIL THOMAS
Judge

dpk

/true copy/ PS To Judge.

