

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 28TH DAY OF APRIL 2015/8TH VAISAKHA, 1937

Bail Appl.No. 2156 of 2015

CRIME NO. 701/2015 OF PERUMBAVOOR POLICE STATION, ERNAKULAM
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PETITIONER(S)/ACCUSED NO.1:

**SREEKUMAR, AGED 25,
S/O.MURALI, AKAMPILLY HOUSE, IRINGOLE KARA,
PERUMBAVOOR VILLAGE.**

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
PERUMBAVOOR POLICE STATION, PERUMBAVOOR - 683 542.**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
28-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. RAMAKRISHNAN, J.

B.A. Nos. 2156 & 2282 of 2015

Dated this the 28th day of April, 2015.

ORDER

B.A.No.2156 was filed by the first accused while B.A.No.2282 of 2015 was filed by the second accused, both in Crime No.701 of 2015 of Perumbavoor Police Station seeking regular bail under Section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on 15.2.2015 at about 9 p.m., the accused persons in furtherance of the common intention to commit murder, assaulted the victim in front of the toddy shop on the side of Aluva - Munnar road in Perumbavoor Village and on account of injuries sustained, he died on 16.2.2015 and thereby both of them committed offence punishable under Section 302 r/w 34 IPC.

3. Heard the counsel for the petitioners and Public Prosecutor and also perused the case diary file.

4. The counsel for the petitioners in both the

applications submitted that they have not committed any offence under Section 302 IPC and they have no intention to commit murder as well. They have further submitted that they have been falsely implicated in this case.

5. Counsel for the petitioners in B.A.No.2282 of 2015 submitted that the final report has already been filed.

6. The applications were opposed by the Public Prosecutor on the ground that, according to him on instruction, the investigation is not over and the final report is not filed.

7. Perused the case diary also. It is seen from the case diary file that the case was registered on the basis of the statement given by the de facto complainant against the petitioners alleging offence under Section 302 r/w 34 IPC. Petitioners were arrested on 18.2.2015 and they are in jail on that day onwards. No weapon has been used for the commission of the offence. It is seen from the report and statement of the witnesses that the incident occurred in front of the toddy shop. The petitioners have no criminal background as well. No weapon has to be recovered. Custody

of the petitioners is not required in any more in connection with the investigation.

8. Considering the facts and circumstances and also the period of pretrial detention, this Court feels that bail can be granted to the petitioners with some stringent conditions. So, the application is allowed with the following conditions:

i. The petitioners shall be released on bail on executing a bond for Rs.50,000/- with two solvent sureties for the like sum each to the satisfaction of the Judicial First Class Magistrate Court-I, Perumbavoor.

ii. The petitioners shall appear before the investigating officer on the last Saturdays in every month between 9 a.m. and 10 a.m. till the final report is filed.

iii. The petitioners shall appear before the investigating officer for the purpose of interrogation as and when required in connection with the above crime in writing to do so till the final report is filed.

iv. The petitioners shall not intimidate or influence the witnesses.

v. The petitioners shall surrender their passports, if any,

before the Judicial First Class Magistrate Court-I, Perumbavoor within one week from the date of their release or file an affidavit if they are not having any passport to that effect within that time.

vi. The petitioner shall not leave State of Kerala without getting prior permission from the Judicial First Class Magistrate Court-I, Perumbavoor or from the court to which the case will be committed for trial till the disposal of the case.

With the above conditions, these applications are allowed.

Sd/-
K. RAMAKRISHNAN
JUDGE

Scl.