

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 24TH DAY OF APRIL 2015/4TH VAISAKHA, 1937

Bail Appl..No. 2174 of 2015 (B)

**AGAINST THE ORDER IN CRMC 835/2015 of SESSIONS COURT, ERNAKULAM
DATED 10-04-2015
CRIME NO. 802/2015 OF MUVATTUPUZHA POLICE STATION , ERNAKULAM**

PETITIONERS/ACCUSED 1 AND 2:

- 1. ELDHOSE, AGED 48 YEARS
S/O.MATHAI, PARAMBATH HOUSE, EAST VAZHAPPILLY POST
MULAVOOR VILLAGE, MUVATTUPUZHA TALUK.**
- 2. BIBIN AGED 23 YEARS
S/O.ELDHOSSE, PARAMBATH HOUSE, EAST VAZHAPPILLY POST
MULAVOOR VILLAGE, MUVATTUPUZHA TALUK.**

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENT/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. V.H. JASMINE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

JJJ

BABU MATHEW P. JOSEPH, J.

B.A. No. 2174 of 2015

Dated this the 24th day of April, 2015

ORDER

This petition is filed under section 439 of Cr.P.C. for bail.

2. Heard the learned counsel appearing for the petitioners and the learned public prosecutor appearing for the respondent. C.D. produced.

3. The petitioners are accused in crime No. 802 of 2015 of Muvattupuzha Police Station. The offences alleged are under Sections 341, 294(b), 323 and 308 read with Section 34 of IPC. Learned counsel for the petitioners submits that the second petitioner is the son of the first petitioner. They are innocent of the allegations raised against them. They have no criminal antecedents. The investigation of the case is almost over. The custodial interrogation of the petitioners was over. He further submits that the continued custody of the petitioners is not required for completing the investigation.

4. The Case Diary shows that the investigation of the case has progressed much. It appears that no serious injuries have been sustained by the de facto complainant. Learned Public Prosecutor submits that no criminal antecedents have been reported against the petitioners. In view of these facts and the pre-trial incarceration already undergone by the petitioners, this Court is satisfied that the petitioners can be granted bail imposing appropriate conditions.

5. Therefore, the petitioners are granted bail subject to the following conditions:

- 1) The petitioners shall be released on bail on their executing bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the concerned Magistrate's Court.
- 2) The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Thursdays for a period of two months.

- 3) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.
- 4) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.
- 5) The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
- 6) The petitioners shall not commit any similar offence while on bail.
- 7) The petitioners shall not leave India without the previous permission of the concerned Magistrate's Court.

This application is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH,
JUDGE
//True Copy//

P.A. to Judge