**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937**

**Bail Appl..No. 2449 of 2015 ()**

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**CRIME NO. 23/2015 OF MANGALAPURAM POLICE STATION , THIRUVANANTHAPURAM DISTRICT**

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**PETITIONER(S)/1 & 5 ACCUSED:**

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1. **PRATHEESH, AGED 20 YEARS,**
   **S/O.GOPI RAJANI BHAVAN,**
   **MUNDACKAL COLONY, MURUKKUMPUZHA VELLOR VILLAGE.**

2. **AKHIL, AGED 19 YEARS,**
   **S/O.ASOKAN, BETHEL NIVAS,**
   **MUNDACKAL COLONY VELLOOR VILLAGE.**

**BY ADV. SRI.M.R.SARIN**

**RESPONDENT(S):**

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

2. **THE SUB INSPECTOR OF POLICE,**
   **MANGALAPURAM POLICE STATION - 695 001.**

**BY PUBLIC PROSECUTOR SRI.ROY THOMAS**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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P. UBAID, J.

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B.A.No.2449 of 2015

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Dated this the 8th day of May, 2015

O R D E R

The petitioners herein are the accused in Crime No.23/2015 of the Mangalapuram Police Station, registered under Sections 143, 144, 147, 148, 294(b), 341, 323, 324, 506 (ii), 308 and 427 IPC read with 149 IPC. They seek regular bail under Section 439 of the Code of Criminal Procedure. The application filed by them for regular bail was dismissed by the learned Additional Sessions Judge-I (Vacation Judge), Thiruvananthapuram on 21.04.2015. The petitioners have been in judicial custody since 24.03.2015.

2. Prosecution case is that these petitioners and the co-accused assaulted the defacto complainant as part of a criminal design made by them, and inflicted injuries on their body with cricket stump, and also with a chopper.

3. This application for regular bail is opposed by the learned Public Prosecutor on the ground that investigation is still in progress, and that if the accused are now released, it will

definitely obstruct the investigation.

4. On hearing both sides, and on a perusal of the materials including the case diary, I find that investigation in this case is practically over, and that the petitioners can be now released on appropriate conditions. On a perusal of the case diary, I find that the investigating officer has already questioned the material witnesses and has recovered the material properties. However, the petitioners will have to be directed report before the investigating officer till investigation is over, to ensure that the remaining part of investigation is not in any manner obstructed. I find that the police has already collected the necessary materials as part of investigation, and I do not find the necessity of continued detention of the petitioners in custody.

6. On a perusal of the materials, I find that the other accused, who are yet to be arrested as part of investigation cannot be given the benefit of this order. I make it clear that this order will not, in any manner, go to the benefit of the other accused, who are yet to be arrested and interrogated in custody.

5. In the result, this application for bail is allowed. The petitioners will be released on bail on their executing bond

with two solvent sureties for 25,000/- (Rupees Twenty Five Thousand only) each to the satisfaction of the learned Magistrate concerned. Bail is granted on condition that,

a) The petitioners shall report before the investigating officer between 10 am. and 11 am. on all Wednesdays for a period of two months.

b) The petitioners shall not leave the jurisdictional limits of Mangalapuram Police Station, for two months.

c) The petitioners shall not in any manner influence or intimidate the material witnesses, and they shall not have any contact with the material witnesses directly or over telephone or otherwise.

e) The petitioners will make a security deposit of Rs.10,000/- (Rupees Ten Thousand only each in the court below as a further condition for bail. The amount of security deposit will be released on conclusion of trial. It will be subject to forfeiture in case of absence during trial without sufficient reason.

f) The other accused in the crime, who are yet to be arrested and interrogated in custody will

not get the benefit of this bail order.

Sd/-

P. UBAID, JUDGE

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