

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. 2618 of 2015 ()

CRIME NO. 315/2015 OF ANGAMALI POLICE STATION, ERNAKULAM

PETITIONERS/ACCUSED 3 TO 5 :

- 1. PRADEESH GOPI, AGED 32 YEARS,
S/O.GOPI, KOSHMAIL HOUSE, THURAVOOR P.O.,
ALUVA TALUK, PIN-683 586.**
- 2. VIJU V.K., AGED 37 YEARS,
S/O.KATHIRAN, KANJILAN HOUSE, THURAVOOR VILLAGE,
THURAVOOR P.O., ANGAMALY, ALUVA TALUK,
ERNAKULAM DISTRICT.**

BY ADV. SRI.P.MARTIN JOSE

RESPONDENT/COMPLAINANT :

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

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:**

bp

K. ABRAHAM MATHEW, J.

B.A. No. 2618 of 2015

Dated this the 15th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused 3 and 5 in Crime No. 315 of 2015 of Angamaly Police Station. They have allegedly committed the offence under Sections 143, 147, 148, 323, 324, 326 and 341 read with Section 149 of the Indian Penal Code. The prosecution case is that the petitioners and the co-accused assaulted the victim with sticks and caused fracture of the victim's bone.

3. Heard.

4. There is no allegation that the second petitioner used any weapon. But, the specific allegation against the first petitioner is that he assaulted the victim with a stick. The weapon has not been recovered. Granting bail to the first petitioner will make the recovery impossible. So, he cannot be granted anticipatory bail. But, the second petitioner's prayer will be allowed.

5. In the result, this application is allowed in part.

- 1) The second petitioner shall be released on bail after interrogation on his executing a bond for Rs. 25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.
- 2) The second petitioner shall appear before the Investigating Officer for interrogation if he is so required by him in writing.
- 3) The second petitioner 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

DMR/-