

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Bail Appl..No. 2859 of 2015

**CRIME NO. 1141/2014 OF KOIPURAM POLICE STATION ,
PATHANAMTHITTA DISTRICT**

PETITIONER(S)/ACCUSED NO.1,2,3,5 & 7 :

- 1. RAJESH P., AGED 39 YEARS,
S/O.LATE K.G. PURUSHOTHAMAN NAIR, THADATHEL (H),
VENNIKULAM, MALLAPPALLY TALUK, PATHANAMTHITTA DISTRICT.**
- 2. ARUN KUMAR S., AGED 25 YEARS,
S/O. LATE SUKUMARAN, THANUVELIL THEKKETHIL, PATTAKKALA,
PURAMATTOM, MALLAPPALLY, PATHANAMTHITTA DISTRICT.**
- 3. VISHNU S.MADHAV, AGED 29 YEARS,
S/O.SHIBU, "MADHAVAM", P.O.VENNIKULAM,
PATHANAMTHITTA DISTRICT.**
- 4. SINU R., AGED 27 YEARS,
S/O.RAJAPPAN, THANUVELIL THEKKETHIL, PATTAKKALA,
PURAMATTOM, MALLAPPALLY, PATHANAMTHITTA DISTRICT.**
- 5. C.T.RATHEESH, AGED 34 YEARS,
S/O.P.K.THANKAPPAN, CHILLIKANAYIL(H), PADUTHODU,
P.O.VENNIKULAM, PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.ARJUN SREEDHAR
SRI.ARUN KRISHNA DHAN**

RESPONDENT(S)/COMPLAINANT & STATE :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**

BY PUBLIC PROSECUTOR SRI.SHIBU JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-07-2015, ALONG WITH BA.NO. 3376 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

B.A. Nos.2859 and 3376 of 2015

Dated this the 15th day of July 2015

ORDER

Petition filed under Sec.438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Secs.143, 144, 147, 326, 324, 323 and 308 read with Sec.149 of the Indian Penal Code. The prosecution case is that on account of political enmity, the petitioners along with another accused armed with deadly weapons like swords formed themselves into an unlawful assembly and assaulted the victims with the weapons causing them very serious injuries.

3. Heard both sides.

4. The incident happened at 9.30 p.m. in the night. One of the victims sustained fracture of the nasal bone accompanied by other injuries on the forehead and lips.

5. Learned counsel submits that the victims sustained injuries in a bike accident which is clear from Annexure II(1) referral letter issued from the hospital in

which the victims were admitted immediately after the incident.

6. It is true that the cause of the injuries is shown as bike accident in the referral letter. On the basis of that document, a co-accused was granted bail by this court. A perusal of the case dairy shows that it is a mistake committed by the doctor. The first wound certificate prepared by the doctor at the causality mentioned that the injuries were sustained in an assault. It is clear that the injuries were inflicted with deadly weapons.

7. Learned counsel submits that the names of the 5th petitioner in B.A. No.2859 of 2015 and of the petitioner in the other bail application do not find a place in the First Information Statement and they were roped in on account of political enmity. It is true that their names are not mentioned in the First Information Statement. This is a suspicious circumstance. For this reason, I am inclined to grant anticipatory bail to these two petitioners. The other petitioners are not entitled to bail.

In the result, B.A. No.2859 of 2015 is allowed in part and B.A. No.3376 of 2015 is allowed .

1. The 5th petitioner in the 1st mentioned bail application and the petitioner in the 2nd mentioned bail application shall be released on bail after interrogation on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

2. They shall appear before the investigating officer between 10.00 a.m. and 11.00 a.m. every Friday for four months or till the final report is filed whichever is earlier..

3. They shall surrender their passports before the lower court concerned or if they do not have the one, file affidavits to that effect.

4. They shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5. They shall not destroy or tamper with evidence.

6. They shall not intimidate or attempt to influence the witnesses.

7. They shall not get themselves involved in any other criminal case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

8. If the petitioners surrender before the Magistrate, this order is not applicable and the learned Magistrate may pass appropriate orders.

B.A. No.2859 of 2015 is dismissed so far as the petitioners 1 to 4 are concerned.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge