

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYASHTA, 1937

Bail Appl..No.2895 of 2015

CRIME NO.189/2015 OF SANTHANPARA POLICE STATION,IDUKKI.

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PETITIONER'S/ACCUSED:

1. **STALIN,S/O.PHILIP,AGED 48 YEARS,
PATTAKKUNNEL HOUSE,MUKKIDIL P.O.,
UDUMBANCHOLA TALUK,IDUKKI DISTRICT.**
2. **SUNNY,S/O.PHILIP,AGED 52 YEARS,
PATTAKKUNNEL HOUSE,MUKKIDIL P.O.,
UDUMBANCHOLA TALUK,IDUKKI DISTRICT.**
3. **RAJAMMA,W/O.VAVACHAN,AGED 55 YEARS,
VATTAKKUNNEL HOUSE,MUKKIDIL P.O.,
UDUMBANCHOLA TALUK,IDUKKI DISTRICT.**
4. **SHEELA,W/O.PHILIP,AGED 48 YEARS,
PATTAKKUNNEL HOUSE,MUKKIDIL P.O.,
UDUMBANCHOLA TALUK,IDUKKI DISTRICT.**
5. **MARY,W/O.STALIN,AGED 47 YEARS,
PATTAKKUNNEL HOUSE,MUKKIDIL P.O.,
UDUMBANCHOLA TALUK,IDUKKI DISTRICT.**

**BY ADVS.SRI.C.A.CHACKO
SMT.C.M.CHARISMA**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTING SUB INSPECTOR OF POLICE,
SANTHANPARA POLICE STATION,IDUKKI DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.REMA.R

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

K. ABRAHAM MATHEW, J.

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B.A. No. 2895 of 2015

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Dated this the 1st day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners along with the co-accused are alleged to have committed the offences under sections 143, 147, 148, 447, 324, 308, 427 read with 149 of IPC. The prosecution case is that the petitioners and the co-accused armed with deadly weapons like chopper, sticks and stones formed themselves into unlawful assembly and assaulted the victims with the weapon.

3. Heard.

4. Learned counsel submits that the allegations are false and it is the consequence of a dispute over right of public way which was obstructed by the victims.

5. The wound certificates show that the victims did not sustain any serious injuries. The Doctor was told that the number of assailants was five. But, there are 12 accused in this case, which is very strange. It appears that there has been attempt to improve upon the original case. In this circumstances, I am inclined to grant the prayer of the petitioners.

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In the result, this application is allowed .

1) The petitioners shall be released on bail after interrogation on their executing a bond for Rs. 25,000/- (Rupees Twenty five 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 for interrogation if they are so required by him in writing.

3) They shall not destroy or tamper with evidence.

4) They shall not get themselves involved in any other criminal cases.

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

Sd/-
K. ABRAHAM MATHEW
JUDGE

DST

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P.A. To Judge