

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

Bail Appl..No. 3187 of 2015 ()

CRIME NO. 1076/2014 OF ATTINGAL POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED NO. 1 :

RAMACHANDRAN @ CHANDRAN
S/O.GOPALAN, AGED 37, PUTHAN VEEDU, PARAYATHUKONAM P.O.
ATTINGAL, THIRUVANANTHAPURAM.

BY ADV. SRI.JOSEPH SEBASTIAN (KOLLAM)

RESPONDENT/COMPLAINANT :

STATE OF KERALA
REP. BY SUB INSPECTOR OF POLICE
ATTINGAL POLICE STATION, THIRUVANANTHAPURAM DIST.,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM

BY PUBLIC PROSECUTOR SMT. R. REMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

K. ABRAHAM MATHEW, J.

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B.A.No. 3187 of 2015

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Dated this the 9th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner along with the co-accused has allegedly committed the offences under sections 143, 147, 148, 149, 294(b), 324, 326, 452 and 114 IPC. The prosecution case is that armed with deadly weapons like chopper they formed themselves into an unlawful assembly and assaulted the victim with the chopper causing fracture of a bone.

3. Heard.

4. It is submitted that the petitioner did not use any weapon. On the other hand, learned Public Prosecutor submits that he was the leader of the unlawful assembly and it was he who did the first act of assault. The role attributed to him is that he wrongfully restrained the victim. It is not in dispute that the weapon has already been recovered and the co-accused have been arrested and released on bail. The investigation is almost over. So, it appears that detention of the petitioner is not necessary.

In the result, this application is allowed.

1)The 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) He shall surrender his passport before the lower concerned of if he does not have one, he shall file an affidavit to that effect within five days of his release.

3) He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

4) He shall appear before the Investigating Officer between 10 a.m. to 11a.m. on every Wednesday for four months or till the final report is filed, whichever is earlier.

5) He shall not destroy or tamper with evidence.

6) He shall not get himself involved in any other criminal cases.

7) He shall not enter the territorial limits of Attingal Police Station till the final report is filed.

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

//True copy//

P.A. To Judge