

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Bail Appl..No. 3257 of 2015 ()

CRIME NO. 295/2015 OF VALAPPAD POLICE STATION, THRISSUR DISTRICT

PETITIONERS/ACCUSED 1 TO 5:

1. REJINDHRAN, S/O RAVINDHRAN, AGED 38 YEARS,
THAIKATTU HOSUE, PALAPPETTY BEACH,
KAZHIMBRAM P.O., THRISSUR DISTRICT.
2. RATHEESH @ RAVANAN, S/O RAVINDHRAN, AGED 32 YEARS,
KANNOTH HOUSE, PALAPPETTY BEACH.
3. BENTEESH, S/O LALITHAN, AGED 36 YEARS,
KOLATTUPARAMBIL HOSUE, PALAPPETTY BEACH.
4. ANANDHAN, S/O SANKARAN, AGED 38 YEARS,
PUTHUVETIL HOSUE, PALAPPETTY BEACH.
5. SYAMAN, S/O MOHANAN, AGED 28 YEARS,
MURIYAPARAMBIL HOUSE, PALAPPETTY BEACH.

**BY ADVS.SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING THE S.I. OF POLICE, VALAPPAD.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B.SUDHEENDRA KUMAR, J.

Bail Application No.3257 of 2015

Dated this the 26th day of June 2015

O R D E R

The petitioners are accused in Crime No.295/2015 of Valapad police station registered under Sections 143, 147, 148, 341, 323, 324 and 308 read with Section 149 I.P.C.

2. The prosecution allegation is that on 13.3.2015 at 10 p.m., the petitioners, in furtherance of their common object, attacked the *defacto complainant* with dangerous weapons causing injuries on him. The petitioners have filed this application praying for the relief under Section 438 Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has opposed the application as regards the 2nd petitioner, who is the 2nd accused in the crime. The learned Public Prosecutor has no serious objection in allowing the application as regards the other petitioners.

5. The first petitioner is the *defacto complainant* in the counter case. Accused Nos.3 to 5 did not use any weapon to inflict injuries on the *defacto complainant*. Considering the facts and circumstances of the case, including the nature of allegations raised against the petitioners, I am inclined to grant the relief under Section 438 Cr.P.C. in favour of petitioner Nos.1 and 3 to 5. However, since the 2nd petitioner used a sword to inflict injuries on the *defacto complainant*, I am not inclined to grant the relief under

Section 438 Cr.P.C. in favour of the 2nd petitioner.

In the result, this application stands dismissed as regards the 2nd petitioner and allowed as regards petitioner Nos.1 and 3 to 5 and the respondent is directed to release petitioner Nos.1 and 3 to 5 on bail in the event of their arrest in connection with Crime No.295 of 2015 of Valapad police station, on condition of each of the petitioners executing a bond for Rs.30,000/- (Rupees thirty thousand only) each with two solvent sureties each, each for the like sum to the satisfaction of the Sub Inspector of Police, Valapad Police Station, before whom petitioner Nos.1 and 3 to 5 shall surrender within ten days and subject to the following further conditions:

- (i) The petitioner Nos.1 and 3 to 5 shall report before the Investigating Officer on every

Monday between 9 a.m. and 11 a.m. for six months and thereafter, as and when required by the Investigating Officer for interrogation.

(ii) The petitioner Nos.1 and 3 to 5 shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(iii) The petitioner Nos.1 and 3 to 5 shall not get involved in any offence during the pendency of this case.

**Sd/-B.SUDHEENDRA KUMAR,
JUDGE**

dl

/true copy/

P.S. to Judge