

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

Bail Appl..No. 3393 of 2015

CRIME NO. 207/2015 OF VANDIPERIYAR POLICE STATION , IDUKKI DISTRICT

PETITIONER(S)/ACCUSED 1-4 & 6-9 :

1. VELMURUGAN R., AGED 42 YEARS,
S/O.RAMAIAH, JOTHI BHAVAN, VADIPERIYAR P.O., IDUKKI.
2. PONNUSWAMY R., AGED 39 YEARS,
S/O.RAMAIAH, JOTHI BHAVAN, VADIPERIYAR P.O., IDUKKI.
3. GOVINDARAJAN R., AGED 50 YEARS,
S/O.RAMAIAH, JOTHI BHAVAN, VADIPERIYAR P.O., IDUKKI.
4. ANOOP G., AGED 21 YEARS,
S/O.GIVINDARAJAN.R., JOTHI BHAVAN, VADIPERIYAR P.O., IDUKKI.
5. REMESH, AGED 28 YEARS,
S/O.VAIRAVAN, NALLATHAMPI COLONY, VADIPERIYAR P.O., IDUKKI.
6. ASAI THAMPI, AGED 26 YEARS,
S/O.NADARAJ, KADASIKA DU ATTORAM, VANDIPERIYAR P.O.
7. BALAMURUGAN, AGED 36 YEARS,
S/O.PICHACHI, KADASIKA DU ATTORAM, VANDIPERIYAR P.O.,
8. D.RAJA, AGED 52 YEARS,
SANDHYA BHAVAN, KALLAR PUDUAL, PAMBANAR P.O.

BY ADV. SRI.B.S.SURESH (CHIRAKKARA)

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K. ABRAHAM MATHEW, J.

B.A. No.3393 of 2015

Dated this the 6th day of July 2015

O R D E R

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

2. Petitioners are accused in Crime No.207 of 2015 of Vandiperiyar Police station registered for the offences under Secs.143, 147, 148, 447, 323, 326, 294 (b), 149 read with Sec.34 of the Indian Penal Code. The prosecution case is that they assaulted the victims with iron rods and knife causing them serious injuries.

3. Heard both sides.

4. One of the victims sustained fracture of the left hand and another victim sustained incised wound on the scalp.

5. Learned counsel submits that the petitioners were assaulted by the victims and they also sustained injuries but the Police registered a counter case i.e. Crime No.208 of 2015 for the offences under Secs.323 and 324, which are all bailable offences. Annexure A2 wound certificate shows that the 2nd accused in this case sustained lacerated wound on the left forearm, the size of

which was 8x7x7 cms. His triceps muscles were partially cut. There were other injuries also. The allegation was that he was stabbed with a knife. Learned counsel has brought to my notice Annexure-A1 complaint filed by the 2nd accused before the Sub Inspector of Police, Kumaly long before the incident. He alleged that one of the victims in this case committed theft of his bull and inspite of complaint, the Sub Inspector did not take any action. The comment made by the Sub Inspector also is stated in the complaint. It appears that the investigation has not been fair in this case. The accused in the counter case have already been granted bail by the Police. In these circumstances, I am compelled to grant anticipatory bail to the petitioners.

In the result, the bail 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 not destroy or tamper with evidence.

3. They shall co-operate with the investigation.

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

Sd/-
K. ABRAHAM MATHEW
JUDGE

NS