

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

Bail Appl..No. 3685 of 2015 ()

CRIME NO. 1034/2015 OF CHAVARA POLICE STATION, KOLLAM

PETITIONERS/ACCUSED 3 AND 4 :

- 1. JOSE SIMON, AGED 35 YEARS,S/O.SIMON,
PARATHIKKAL PUTHUVAL, VADAKKUMBHAGOM MURI,
THEKKUMBHAGOM VILLAGE.**
- 2. SISILY, AGED ABOUT 40 YEARS,
W/O.YESHUDASAN, VAYALIL THOPPIL, NEENDAKARA MURI
KOLLAM DISTRICT.**

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNKULAM.**

BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

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B.A.No. 3685 of 2015

Dated this the 30th day of June, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 143, 147, 148, 324, 427, 451, 308 read with Section 149 of IPC. The prosecution case is that at 8.30 in the night on 04.05.2015, they along with the co-accused armed with deadly weapons like choppers trespassed into the house of the first informant and assaulted him and his mother, causing them serious injuries.

3. Heard.

4. The wound certificates of the victim show that they sustained injuries on the skull and forehead. This makes probable the prosecution case that they were assaulted with chopper. Recovery has not been effected. The second petitioner is a lady aged 40 years. For that reason alone, I am inclined to grant her anticipatory bail. But, the prayer of the first petitioner cannot be granted.

In the result, this application is allowed in part. The second petitioner will be released on bail after interrogation on her executing a bond for Rs.25,000/-(Rupees Twenty five thousand only) with two solvent sureties each for the like sum if she is arrested by the Police in connection with this case.

2) The petitioner shall surrender her passport before the lower concerned or if she does not have one, she shall file an affidavit to that effect within five days of her release.

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

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

5)She shall not intimidate or attempt to influence the witnesses.

7)She shall not destroy or tamper with evidence.

8)She shall not get herself involved in any other criminal case while she is on bail.

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

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

The application is dismissed so far as the first petitioner is concerned. Learned counsel submits that the first petitioner will surrender before the Investigating Officer, he may do so if he is so advised.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge