

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

Bail Appl..No. 3702 of 2015

CRIME NO. 728/2015 OF THALASSERY POLICE STATION , KANNUR

PETITIONER(S):

1. SMITH. N.V, AGED 28 YEARS,
S/O.SREEDHARAN, KADATHANADAN HOUSE, P.O.KATHIRUR,
THALASSERY.
2. LADEESH.J, AGED 32 YEARS,
S/O.DAMODARAN, SAKTHI NIVAS, KELALUR PO,
MAMBRAM, THALASSERY-670741.
3. JITHIN N.P, S/O.JAYARAMAN, AGED 27 YEARS,
CHIRAMMAL HOUSE, P.O.MURINGERI, ANJARAKANDI.
4. RAJESH .K.R, AGED 28 YEARS,
S/O.RAJAN C.P, RADHA NIVAS, PINARAYI PO,
THALASSERY.

BY ADV. SRI.VARGHESE C.KURIAKOSE

RESPONDENT(S):

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM 687 031.
2. SUB INSPECTOR OF POLICE,
(STATION HOUSE OFFICER), THALASSERY POLICE STATION,
THALASSERY 670 101.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

B.A. No.3702 of 2015

Dated this the 10th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 447, 323, 324, 354, 506(2), 427 read with Section 34 of Indian Penal Code.

3. The prosecution case is that first petitioner who was an employee of Indus Ind Bank which gave financial assistance to the victim to purchase an auto rickshaw went to his house along with two others to take custody of the vehicle and there the first petitioner stabbed him with a knife and the others outraged the modesty of his mother; they also threatened the victim and his mother.

4. Heard.

5. Learned counsel submits that the allegations are false and the victim sustained injuries when he himself smashed the front glass of the auto rickshaw; they went to his house at his request to take custody of the vehicle. The learned counsel further submits that the victim sustained injuries when a piece of glass pierced his thigh.

The doctor noticed an injury on the left thigh; at the same time he noticed numbness also. The presence of numbness creates some doubts about the prosecution case that it was a stab injury. Having regard to these facts and circumstances of the case I am inclined to grant anticipatory bail to the petitioners.

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 between 10 a.m and 11 a.m every second Saturday for three months starting from August.

3. They shall not get themselves involved in any other criminal case while they are on bail.

4. They shall not intimidate or attempt to influence the witnesses.

5. They shall not destroy or tamper with evidence.

In case of violation of any of the above conditions, the

learned Magistrate is empowered to cancel the bail in accordance with law.

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

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge

