

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

Bail Appl..No. 3759 of 2015

**CRIME NO. 861/2015 OF KOTHAMANGALAM POLICE STATION ,
ERNAKULAM DISTRICT**

PETITIONER(S)/1ST AND 4TH ACCUSED :

- 1. ANISH, AGED 25 YEARS,
S/O.JOY, RESIDING AT MUNDACKAL HOUSE, PUNNEKADU,
KEERAMPARA, KOTHAMANGALAM,
ERNAKULAM DISTRICT, PINCODE- 686 691.**
- 2. AMAL, AGED 25 YEARS,
S/O.SAJI, RESIDING AT PUTHENPURA HOUSE, PUNNEKADU,
KEERAMPARA, KOTHAMANGALAM, ERNAKULAM DISTRICT,
PINCODE- 686 691.**

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENT(S)/STATE/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, COCHIN- 682 031,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KOTHAMANGALAM POLICE STATION, ERNAKULAM DISTRICT.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

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B.A.No. 3759 of 2015

Dated this the 13th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are 1st and 4th accused in Crime No. 861 of 2015 of Kothamangalam Police Station. They are said to have committed the offences under Sections 323, 308, 324 read with Section 34 of the Indian Penal Code. The prosecution case is that they along with the co-accused assaulted the victim with iron rods and a beer bottle causing serious injuries on his head.

3. Heard.

4. Immediately after the incident, the victim was admitted to a hospital. Wound certificate shows that what he told the doctor was that he sustained injury on the head, which was the only injury when he was attacked with a beer bottle. The person who assaulted him with beer bottle is none of the petitioners. Having regard to these facts, I am inclined to grant the prayer of the petitioners.

In the result, this application is allowed.

1) The petitioners shall be released on bail 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 surrender their passports before the lower court concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.*
 - 3) They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
 - 4) They shall appear before the Investigating Officer between 10 a.m. and 11 a.m. every alternate Wednesday for three months or till the final report is filed, whichever is earlier.*
 - 5) They shall not intimidate or attempt to influence the witnesses.*
 - 6) They shall not destroy or tamper with evidence.*
 - 7) They shall not get themselves involved in any other criminal case while they are on bail.*
- If the petitioners 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.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge