

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937

Bail Appl..No. 4088 of 2015 ()

CRIME NO. 614/2015 OF YEROOR POLICE STATION, KOLLAM

PETITIONERS :

- 1. SUBRAMANYAN, AGED 42 YEARS,
S/O. RATNAM, RPL BLOCK-VII, UNIT-3
AYIRANALLORE ESTATE, VILAKKUPARA, PUNALUR,
KOLLAM DISTRICT**
- 2. SELVARAJ, AGED 39 YEARS,
S/O. RATNAM, RPL BLOCK-VII, UNIT-3
AYIRANALLORE ESTATE, VILAKKUPARA, PUNALUR
KOLLAM DISTRICT**
- 3. AJITHKUMAR, S/O. SUBRAMANYAN, AGED 19 YEARS,
RPL BLOCK, BLOCK-VII, UNIT-3
AYIRANALLORE ESTATE, VILAKKUPARA, PUNALUR
KOLLAM DISTRICT**

**BY ADVS.SRI.K.ABDUL JAWAD
SRI.MATHEW A KUZHALANADAN
SMT.V.K.ANJU**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031**

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

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B.A.No. 4088 of 2015

Dated this the 17th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 341, 323, 324 read with Section 34 of the Indian Penal Code, 1860. Subsequent to the registration of the case Section 326 was also incorporated. The prosecution case is that they assaulted the first informant and others with stick causing serious injuries.

3. Heard.

4. I have perused the wound certificate of one of the victims. He sustained fracture of the left radius. The other victim sustained some abrasions over right wrist. A perusal of the First Information Statement and wound certificates indicate that the version given in the First Information Statement is an exaggerated one, *prima facie*. Learned counsel submits that the petitioners went to the place of occurrence where a dispute took place between members of the same family and they did not assault

any of them. Having regard to the facts of the case, it appears that custodial interrogation of the petitioners is not necessary.

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) The petitioners 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 for interrogation if they are so required by him in writing.*
- 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

B.A.No. 4088 of 2015

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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