

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

Bail Appl..No. 4123 of 2015

CRIME NO. 1064/2015 OF CHATHANNOOR POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED 1 & 6 :

1. SANOJ, AGED 23 YEARS,
S/O. SALIM, SANOJ MANZIL, NEAR ACHUTHANMUKKU,
KARAMKODU CHERRY, CHIRAKKARA VILLAGE,
KOLLAM DISTRICT (ACCUSED NO.1).
2. ANOOP, AGED 21 YEARS,
S/O. PRASAD, PRASAD NIVAS, NEAR ACHUTHANMUKKU,
KARAMKODU CHERRY, CHIRAKKARA VILLAGE,
KOLLAM DISTRICT (ACCUSED NO.6).

BY ADV. SRI.B.DIPU SACH DEEV

RESPONDENT(S)/STATE:

1. STATE OF KERALA,
REPRESENTED BY CIRCLE INSPECTOR OF POLICE, KOTTIYAM,
KOTTIYAM POLICE STATION,
KOLLAM CITY THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. SUB INSPECTOR OF POLICE,
CHATHANNUR POLICE STATION, KOLLAM CITY,
CHATHANNUR SUB DIVISION 691 572.

BY PUBLIC PROSECUTOR SMT.REMA. R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

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B.A.No.4123 of 2015

Dated this the 24th day of July, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 143, 147,148, 294(b), 323, 324, 332, 307 read with Section 149 of the Indian Penal Code, 1860. The prosecution case is that at 9.50 p.m. on 16.06.2015, they along with the co-accused armed with deadly weapons like swords and iron rods assaulted the victim with the weapons in an attempt to murder him.

3. Heard.

4. It is submitted by the learned counsel that as the petitioners have been in custody since 26.06.2015, they may be granted bail. The application is opposed. Learned Public Prosecutor submits that the 2nd petitioner is involved in several other cases and if bail is granted, the petitioners may get themselves involved in similar cases. There is no allegation that the first petitioner is involved in any other case. For this reason, I am inclined to grant his prayer.

In the result, this application is allowed in part.

1)The first petitioner will be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only)with two solvent sureties each for the

like sum to the satisfaction of the learned Magistrate concerned.

- 2)He shall appear before the investigating officer between 10 a.m and 11 a.m. every Wednesday for four months, or till the final report is filed, whichever is earlier.*
- 3)He shall surrender his passport before the lower court concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.*
- 4)He shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 5)He shall not intimidate or attempt to influence the witnesses, nor shall he get himself involved in any other criminal case.*
- 6)He shall not enter the local limits of Chathannur Police Station, till the conclusion of the investigation.*

If the petitioner violates any of the above conditions, the court of enquiry/trial is empowered to cancel the bail in accordance with the law. This application is dismissed so far as the second petitioner is concerned.

Sd/-

**K. ABRAHAM MATHEW,
JUDGE**

DST

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P.A. To Judge