

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

Bail Appl..No. 4149 of 2015 ()

CRIME NO. 796/2015 OF KODUMON POLICE STATION, PATHANAMTHITTA DISTRICT

PETITIONERS/ACCUSED 1 – 5 :

- 1. SURENDRAN @ BABU**
S/O. KESAVAN, AGED 38 YEARS
KAVIRIKKUNNATHIL S.S. BHAVANAM,
PONGALADI, PARANTHAL P.O., ADOOR,
PATHANAMTHITTA DISTRICT - 695 123.
- 2. GIRISH,**
S/O. KESAVAN, AGED 33 YEARS
KAVIRIKKUNNATHIL S.S BHAVANAM,
PONGALADI, PARANTHAL P.O., ADOOR,
PATHANAMTHITTA DISTRICT- 695 123.
- 3. VINOD,**
S/O. KESAVAN, AGED 35 YEARS
KAVIRIKKUNNATHIL S.S BHAVANAM,
PONGALADI, PARANTHAL P.O., ADOOR,
PATHANAMTHITTA DISTRICT- 695 123.
- 4. BIJU,**
S/O. KANNAN, AGED 24 YEARS
THALIYATTU MURUPPEL, PONGALADI
PARANTHAL P.O., ADOOR,
PATHANAMTHITTA DISTRICT- 695 123.
- 5. AJAYAN**
S/O. KUNJUKUNJU, AGED 34 YEARS
ANJILIKKOTTATHIL KIZHAKKETHIL
PONGALADI, PARANTHAL P.O., ADOOR
PATHANAMTHITTA DISTRICT- 695 123

BY ADVS.SRI.MANU RAMACHANDRAN
SRI.C.PRAKASH

RESPONDENTS/COMPLAINANT/STATE :

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.

2. THE SUB INSPECTOR OF POLICE,
KODUMON POLICE STATION,
PATHANAMTHITTA DISTRICT - 691 555.

R1 & R2 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

K. ABRAHAM MATHEW, J.

B.A. No.4149 of 2015

Dated this the 20th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 143, 147, 148, 452, 324, 323, 427 of the Indian Penal Code.

3. The prosecution case is that they assaulted the victim and when the latter took refuge in his brother's house, they followed him and assaulted him, his mother and brothers with a hammer.

4. Heard.

5. I have perused the wound certificate of the victims. They sustained some minor injuries. It is very difficult to believe that the assault was with a hammer, which is a heavy weapon. On the other hand, the wound certificate of the first petitioner shows that he sustained incise wound on the head apart from some other injuries. Having regard to these facts I am inclined to grant the prayer of the petitioners for anticipatory bail.

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 to 11 a.m every Wednesday for three months or till the final report is filed whichever is earlier.

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 the 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