

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 31ST DAY OF JULY 2015/9TH SRAVANA, 1937

Bail Appl.No. 4182 of 2015

CRIME NO. 769/2015 OF EZHUKONE POLICE STATION, KOLLAM
.....

PETITIONER(S)/ACCUSED 1-3:

1. ARUN, AGED 23 YEARS,
S/O.MOHANAN, CHARUVILA VEEDU, EAST MARANANDU MURI,
MARANADU P.O., PAVITHRESWARAM VILLAGE,
KOTTARAKARA TALUK, KOLLAM DISTRICT.
2. ANOOP, AGED 21 YEARS,
S/O.MOHANAN, CHARUVILA VEEDU, EAST MARANANDU MURI,
MARANADU P.O., PAVITHRESWARAM VILLAGE,
KOTTARAKARA TALUK, KOLLAM DISTRICT.
3. SUBIN, AGED 23 YEARS,
S/O.SUSEELAN, SUNU VILASOM, EAST MARANADU MURI,
MARANADU P.O., PAVITHRESWARAM VILLAGE,
KOTTARAKARA TALUK, KOLLAM DISTRICT.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW, J.

B.A. No.4182 of 2015

Dated this the 31st day of July 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.769 of 2015 of Ezhukone Police station registered for the offences under Secs.143, 147, 148, 294(b), 308, 323 and 427 read with Sec.149 of the Indian Penal Code. The prosecution case is that armed with deadly weapons like swords they formed themselves into an unlawful assembly and assaulted the victim to cause his death.

3. Heard both sides.

4. According to the prosecution, the 1st accused alone used the sword. There is no allegation that the other petitioners were armed. The victim did not sustain any external injuries except a minor injury on the upper lip.

5. Having regard to these facts, I am inclined to grant the prayer of the petitioners.

In the result, the bail application is allowed.

1) The petitioners shall be released on

bail after interrogation on their executing a bond for Rs.50,000/- (Rupees fifty 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 10.00 a.m. and 11.00 a.m. every alternate Thursdays for three months or till the final report is filed, whichever is earlier.

3) They shall surrender their passports before the lower court concerned or if they do not have the one, file affidavits to that effect.

4) They shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5) They shall not destroy or tamper with evidence nor shall they get themselves involved in any other criminal case.

6) They shall not intimidate or attempt to influence the witnesses.

7) They shall co-operate with investigation of the case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the 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

/ True Copy /

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P.A. To Judge