

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Bail Appl..No. 4211 of 2015 ()

CRIME NO. 447/2015 OF KADAKKAVOOR POLICE STATION, THIRUVANANTHAPURAM

PETITIONERS/A1 TO A3 :

- 1. EARNEST,
AGED 42 YEARS, S/O.GEORGE
ABI COTTAGE, MANAMPOOR VILLAGE, KAVALAYOOR
VARKALA, THIRUVANANTHAPURAM DISTRICT.**
- 2. ABI (JUVENILE)
AGED 17 YEARS, S/O.EARNEST, ABI COTTAGE
MANAMPOOR VILLAGE, KAVALAYOOR, VARKALA
THIRUVANANTHAPURAM DISTRICT
REPRESENTED BY MOTHER AND NATURAL GUARDIAN MARY DERY
W/O.EARNEST, ABI COTTAGE, MANAMPOOR VILLAGE
KAVALAYOOR, VARKALA, THIRUVANANTHAPURAM DISTRICT.**
- 3. SIBI (JUVENILE)
AGED 16 YEARS, S/O.EARNEST, ABI COTTAGE
MANAMPOOR VILLAGE, KAVALAYOOR, VARKALA
THIRUVANANTHAPURAM DISTRICT
REPRESENTED BY MOTHER AND NATURAL GUARDIAN MARY DERY
W/O.EARNEST, ABI COTTAGE, MANAMPOOR VILLAGE
KAVALAYOOR, VARKALA, THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.N.SUNIL JOSEPH

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
REPRESENTING THE SUB INSPECTOR OF POLICE
KADAKKAVOOR POLICE STATION
THIRUVANANTHAPURAM DISTRICT - 695 001.**

BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-07-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

B.A. No.4211 of 2015

Dated this the 21th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 294(b), 324, 308 read with Section 34 of Indian Penal Code.

3. The prosecution case is that they assaulted the victim with a stick causing an injury on his head.

4. Heard.

5. The first petitioner is the father of the other petitioners. Petitioners 2 and 3 are juveniles. They need not apprehend that they will be detained because in the case of juveniles bail is the right they will be detained only if it is beneficial for them. So there need not be any apprehension for them that they will be detained after arrest.

6. The weapon used is said to be a stick. It is yet to be ascertained whether it is a deadly weapon or not. Having regard to these facts I am inclined to grant the

prayer of the first petitioner for anticipatory bail.

In the result, this application is allowed in part.

1. The first petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the police in connection with this case.

2. He shall appear before the investigating officer between 10 a.m to 11 a.m every alternate Fridays for three months or till the final report is filed whichever is earlier.

3. He shall not get himself involved in any other criminal case while he is on bail.

4. He shall not intimidate or attempt to influence the witnesses.

5. He 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 first petitioner surrenders before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

The application is dismissed so far as petitioners 2 and 3 are concerned.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge