

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Bail Appl..No. 4233 of 2015

CRIME NO. 307/2015 OF VELLATHOOVAL POLICE STATION, IDUKKI.
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PETITIONERS/ACCUSED:

1. THAMPI, S/O.JOHN, AGED 54 YEARS,
MUNDACKATTU HOUSE, KOMBODINJAL,
KONNATHDY VILLAGE, IDUKKI DISTRICT.
2. MARY, W/O.THAMPI, AGED 50 YEARS,
MUNDACKATTU HOUSE, KOMBODINJAL,
KONNATHDY VILLAGE, IDUKKI DISTRICT.
3. JOMON, S/O.THAMPI, AGED 27 YEARS,
MUNDACKATTU HOUSE, KOMBODINJAL,
KONNATHDY VILLAGE, IDUKKI DISTRICT.
4. JOBOY, S/O.THAMPI, AGED 25 YEARS,
MUNDACKATTU HOUSE, KOMBODINJAL,
KONNATHDY VILLAGE, IDUKKI DISTRICT.

BY ADV. SRI.S.JIJI

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No.4233 of 2015

Dated this the 29th day of July 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.307 of 2015 of Vellathooval Police station registered for the offences under Secs.308, 323, 324, 427 and 447 read with Sec.34 of the Indian Penal Code. The prosecution case is that they trespassed into the property of the victims and attempted to cut open a road and when the victims came to the property, they assaulted them with chopper and sticks causing them serious injuries.

3. Heard both sides.

4. Petitioners and the victims are close relatives. It is seen from the Case Diary that the petitioners attempted to cut open a new road through the property of the victims and when the victims resisted, the petitioners assaulted them with chopper and stick. It is seen from the wound certificate that the victims

sustained injuries on head and other parts of the body. The nature of the injuries probablises the prosecution version. Merely because the petitioners are close relatives of the victims, anticipatory bail cannot be granted. The 2nd petitioner is a woman aged 50 years. On that ground alone, I am inclined to grant her anticipatory bail. But the other petitioners are not entitled to it.

In the result, the bail application is allowed in part.

1. The 2nd 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 she is arrested by the Police in connection with this case.

2) She shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. every Wednesday for three months or till the final report is filed, whichever is earlier.

3) She shall surrender her passport before the lower court concerned or if she does not have the one, file an affidavit to that effect.

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

5) She shall not enter the properties of the victims.

6) She shall not destroy or tamper with evidence nor shall she get herself involved in any other criminal case.

7) She shall not intimidate or attempt to influence the witnesses.

8) She 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 2nd 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 the other petitioners are concerned.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

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P.A. To Judge