

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. 4244 of 2015

CRIME NO. 545/2015 OF ELAMAKKARA POLICE STATION, ERNAKULAM
.....

PETITIONER(S)/ACCUSED NO.3 TO 11:

1. **VIPIN VARGHESE, AGED 24,
S/O.RAPHAEL, THITTAYIL HOUSE,
MOOLAMPILLY, ERNAKULAM.**
2. **ROBIN PODUTHAS, AGED 28,
S/O.DIXON, THATTANKERI HOUSE,
MOOLAMPILLY, ERNAKULAM.**
3. **SHIBU MENDEZ, AGED 27,
S/O.STANLEY, POOVATHUMPARAMBIL HOUSE,
MOOLAMPILLY, ERNAKULAM.**
4. **MELVIN GOMEZ, AGED 31,
MARTIN GOMEZ, KONDOOTH HOUSE,
MOOLAMPILLY, ERNAKULAM.**
5. **FRANCIS DISON D'SILVA, AGED 25,
S/O.ALBERT D'SILVA, CHETTIVALAPPIL HOUSE,
MOOLAMPILLY, ERNAKULAM.**
6. **DENSON, AGED 35,
S/O.JOSEPH, PANAKKAL HOUSE,
MOOLAMPILLY, ERNAKULAM.**
7. **RINOY K.J., AGED 23,
S/O.JESSY GERALD, KADAYAPARAMBIL HOUSE,
MOOLAMPILLY, ERNAKULAM.**
8. **PHILIP MENDEZ, AGED 28,
S/O.AUGUSTINE, ALANGATTUSSERY HOUSE,
MOOLAMPILLY, ERNAKULAM.**
9. **MARTIN BIJOY, AGED 30,
S/O.FRANCIS, KURISINGAL HOUSE,
MOOLAMPILLY, ERNAKULAM.**

**BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH**

msv/

Bail Appl.No. 4244 of 2015

RESPONDENT(S):

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

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:**

msv/

K. ABRAHAM MATHEW, J.

B.A. No.4244 of 2015

Dated this the 29th day of July 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.545 of 2015 of Elamakkara Police station registered for the offences under Secs.142, 143, 147, 148, 323, 326, 341 and 452 read with Sec.149 of the Indian Penal Code. The prosecution case is that armed with deadly weapons like iron rods, they formed themselves into an unlawful assembly, wrongfully restrained the victim and assaulted him with the weapons causing fracture of his nasal bone and back bone.

3. Heard both sides.

4. The prosecution has no case that any of the petitioners was armed with weapon. Only the 1st accused who is not a petitioner was armed with an iron rod and used it. He has already been arrested and released on bail. The weapon has already been recovered also.

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.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 for interrogation if they are so required by him in writing.

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