

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

Bail Appl..No. 4353 of 2015 ()

**CRIME NO. 948/2015 OF POOYAPALLY POLICE STATION,
KOLLAM DISTRICT**

PETITIONERS/ACCUSED 1 AND 2 :

- 1. JYOTHIKUMAR, AGED 41 YEARS,
S/O.RAVEENDRAN ACHARY, 'ABI SADANAM', KATTAYIL MURI,
ODANAVATTOM VILLAGE, KOTTARAKKARA TALUK.**
- 2. AJIKUMAR, AGED 38 YEARS,
S/O.RAVEENDRAN ACHARY, 'ABI SADANAM', KATTAYIL MURI,
ODANAVATTOM VILLAGE, KOTTARAKKARA TALUK.**

BY ADV. SRI.SAJU.S.A

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM. PIN-682 031.**

BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.4353 of 2015

Dated this the 10th day of August 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused is Crime No.948 of 2015 of Pooyappally Police station registered for the offences under Secs.308, 323, 324, 354, 427 and 451 read with Sec.34 of the Indian Penal Code. The prosecution case is that they assaulted the victim on the head with an iron rod causing him serious injuries.

3. Heard both sides.

4. The victim sustained a lacerated wound on the occipital region of the head. The doctor was told that the weapon was a stick. But in the First Information Statement the weapon is mentioned as an iron rod. It appears that there was an attempt to give a false story in the First Information Statement. So 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) The petitioners shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. every Thursday 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.

'It is made clear that this order will not be an impediment for the investigating officer to effect recovery under Sec.27 of the Evidence Act and he may take the petitioner into custody to effect recovery.'

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge