

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

Bail Appl.No. 4521 of 2015

CRIME NO. 390/2015 OF POZHIYOOR POLICE STATION, THIRUVANANTHAPURAM
.....

PETITIONER(S)/ACCUSED 1-3:

1. PRAVEEN @ SHIBU AGED 28 YEARS,
S/O.SELVARAJ, THAYAKI SARI VEEDU, ATTINPURAM,
KULATHOOR VILLAGE, NEYYATTINKARA TALUK.
2. SHIJU, AGED 27 YEARS,
S/O.SELVARAJ, THAYAKI SARI VEEDU, ATTINPURAM,
KULATHOOR VILLAGE, NEYYATTINKARA TALUK.
3. SHINU, AGED 25 YEARS,
S/O.SELVARAJ, THAYAKI SARI VEEDU, ATTINPURAM,
KULATHOOR VILLAGE, NEYYATTINKARA TALUK.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENT(S)/STATE:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031,
(CRIME NO.390/2015 OF POZHIYOOR POLICE STATION,
THIRUVANANTHAPURAM DISTRICT).
2. STATION HOUSE OFFICER,
POZHIYOOR POLICE STATION,
THIRUVANANTHAPURAM-695 513,
(CRIME NO.390/2015 OF POZHIYOOR POLICE STATION,
THIRUVANANTHAPURAM DISTRICT).

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
21-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW, J.

B.A. No.4521 of 2015

Dated this the 21st day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C

2. Petitioners are the accused in Crime No.390 of 2015 of Pozhiyoor Police Station, Thiruvananthapuram District. They are alleged to have committed the offences under Sections 341, 323, 324, 452, 427, 308, 506(i) read with Section 34 of the Indian Penal Code.

3. According to the prosecution one of the petitioners wrongfully restrained the victim and other accused assaulted him with iron rods causing him serious injuries.

4. Heard.

5. The learned counsel submits that the petitioners are really the victims of assault by the first informant and others and the police have registered a case against them as Crime No.424 of 2015. I have perused the case diary in both cases. It appears that the petitioner sustained more severe injuries. At this stage it is not possible to

ascertain who the aggressions were. So I am inclined to grant the prayer of the petitioners.

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 a.m to 11 a.m on every Wednesday for four months or till the final report is filed whichever is earlier.

3. They shall not get themselves involved in any other criminal case while they are on bail.

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

5. They shall not destroy or tamper with evidence.

6. They shall surrender their passports before the lower court concerned of if they do not have one, they shall file an affidavit to that effect within five days of their release.

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

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 petitioners surrender before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge

