

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. 4709 of 2015 ()

CRIME NO. 834/2015 OF ALATHUR POLICE STATION, PALAKKAD DISTRICT

APPLICANTS/ACCUSED NOS. 1 AND 2, 4 AND 5 :

- 1. HARIPRASAD
AGED 27 YEARS, S/O. ARMUGHAN,
NOCHIKKAD HOUSE, PATT
CHITTILENCHERRY, ALATHUR,
PALAKKAD.**
- 2. RINEESH
AGED 27 YEARS, S/O. SETHUMADHAVAN,
NOCHIKKAD HOUSE, CHITTILENCHERRY
ALATHUR, PALAKKAD.**
- 3. RATHEESH
AGED 35 YEARS, S/O. BALAN,
PATT, CHITTILENCHERRY
ALATHUR, PALAKKAD.**
- 4. DEVADAS
AGED 25 YEARS, S/O. VELAYUDHAN,
NOCHIKKAD HOUSE, CHITTILENCHERRY
ALATHUR, PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT/COMPLAINANT :

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

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:**

K. ABRAHAM MATHEW, J.

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B.A.No. 4709 of 2015

Dated this the 10th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners accused in Crime No.834 of 2015 of Alathur Police Station. They are alleged to have committed the offences under Sections 143, 147, 148, 341, 323, 324, 354 read with Section 149 of the Indian Penal Code. The prosecution case is that they along with the co-accused armed with deadly weapons like iron rod, assaulted the first informant and others and outraged the modesty of the first informant.

3. Heard.

4. Learned counsel submits that Section 354 has been incorporated only as an attempt to deny bail to the petitioners. It is a matter to be ascertained during the investigation. It is seen from Annexure -A that the first petitioner also got admitted to hospital immediately after the incident and he was found missing from the hospital. The reason for his absconding is not known. The second petitioner is involved in another assault case. There is no case that the other petitioners were armed with weapons or that they are involved in any other case. For these reasons, I am compelled to reject the prayer of petitioners 1 and 2 and inclined

to allow the prayer of the other petitioners.

In the result, this application is allowed in part.

- 1)The petitioners 3 and 4 will be released on bail 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 surrender their passports before the lower court concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.*
- 3)They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 4)They shall appear before the Investigating Officer between 10 a.m. and 11 a.m. every Friday for three months or till the final report is filed, whichever is earlier.*
- 5)They shall not intimidate or attempt to influence the witnesses.*
- 6)They shall not destroy or tamper with evidence.*
- 7)They shall not get themselves involved in any other criminal case while they are on bail.*

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

In case of violation of any of the above conditions, the

learned Magistrate is empowered to cancel the bail in accordance with the law. The application is dismissed so far as petitioners 1 and 2 are concerned.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge