

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Bail Appl..No. 4755 of 2015

CRIME NO. 973/2015 OF KILIMANOOR POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT

PETITIONER(S)/ACCUSED 1 TO 7 :

1. APPU G., AGED 46 YEARS, SON OF GOPI,
RESIDENT OF KARUVAYILKONATHU VEEDU, VELLALLORE,
KILIMANOOR, TRIVADNRUM DISTRICT.
2. RAMU @ SISUPALAN, AGED 36 YEARS,
SON OF RADHAKRISHNAN, KADAYIL VEEDU, VELLALLORE,
KILIMANOOR.
3. SUNIL,
SON OF SUMATHY, VINEETH BHAVAN, VATTAVILA,
VELLALLORE, KILIMANOOR, TRIVADNRUM DISTRICT.
4. ANILKUMAR @ KUTTAPPAN, AGED 32 YEARS,
SON OF VASUDEVAN ACHARY, VATTAVILA VEEDU, VELLALLORE,
KILIMANOOR, TRIVADNRUM.
5. ANISH, AGED 28 YEARS,
S/O.GOPI, KARAVAYALKONETHU VEEDU, VELLALLORE,
KILIMANOOR, TRIVADNRUM DISTRICT.
6. SANTHOSH, AGED 29 YEARS,
SON OF MANIYAN, ALUVILA VEEDU, VELLALLORE,
KILIMANOOR, TRIVADNRUM DISTRICT.
7. THULASI, AGED 36 YEARS,
SON OF KOCHU CHERUKKAN, AALUVILA VEEDU, VELLALLORE,
KILIMANOOR.

BY ADV. SRI.GEORGE SEBASTIAN

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RESPONDENT(S)/COMPLAINANT & STATE :

**1. SUB INSPECTOR OF POLICE,
KILIMANOOR POLICE STATION, TRIVANDRUM DISTRICT.**

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

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.4755 of 2015

Dated this the 8th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners 1 to 5 are accused 1 to 5 in Crime No.973 of 2015 of Kilimanoor Police Station registered for offences punishable under Sections 143, 147, 148, 447, 294(b), 324, 326 and 506(ii) read with Section 149 of the Indian Penal Code. The provisions of law shown in the petition appear to be incorrect.

3. Heard both sides.

4. Learned counsel for the petitioners submitted that the incident was on 12.07.2015. Prosecution alleged that the accused persons as members of an unlawful assembly trespassed into the courtyard of the defacto complainant's house and they attacked the defacto complainant by using wooden sticks, thereby causing injuries including dislocation of left thumb. Learned counsel for the petitioners submitted that on the previous night, the defacto complainant's son and his friends trespassed into the house of the first accused and attacked himself and his wife. Another crime is registered in connection with that. Considering the nature of allegations, following directions are issued in respect of petitioners 1 to 5.

Insofar as petitioners 6 and 7 are concerned, no order is necessary as they are not made accused in the crime.

i. Petitioners 1 to 5 shall appear before the investigating officer within a period of two weeks and submit themselves for interrogation. Thereafter each one of them shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, they shall be released on bail in Crime No.973 of 2015 of Kilimanoor Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. Petitioners shall appear before the Investigating Officer as and when directed for the purpose of investigation in the matter.

iv. They shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the learned Magistrate having jurisdiction is empowered to cancel the bail in accordance with law without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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