

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Bail Appl..No. 4874 of 2015 ()

**CRIME NO. 2623/2015 OF KAYAMKULAM POLICE STATION,
ALAPPUZHA DISTRICT**

PETITIONERS/ACCUSED 2 & 3 :

- 1. SARATH, AGED 21 YEARS,S/O.SASI,
KAIRALI, KEERIKKAD THEKKUM MURI,
KEERIKKAD VILLAGE, KEERIKKAD P.O.,
ALAPPUZHA - 690 508.**
- 2. REKHA, AGED 42 YEARS,
W/O.SASI KAIRALI, KEERIKKAD THEKKUM MURI,
KEERIKKAD VILLAGE, KEERIKAD P.O., ALAPPUZHA - 690 508.**

**BY ADVS.SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR**

RESPONDENTS/STATE :

- 1. THE STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
KAYAMKULAM POLICE STATION, KAYAMKULAM,
ALAPPUZHA - 690 502.**

R1 & R2 BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.4874 of 2015

Dated this the 18th day of August 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.2623 of 2015 of Kayamkulam Police station registered for the offences under Secs.294(B), 308, 323, 324 and 452 of the Indian Penal Code. The prosecution case is that on 31.07.2015 at 8 p.m., the petitioners along with the 1st accused trespassed into the courtyard of the uncle of the first informant and assaulted him and two others with iron rod and sticks causing them serious injuries.

3. Heard both sides.

4. The specific allegation against the first petitioner is that he assaulted the victim with an iron rod on his right leg below the knee. But there is no corresponding injury except an abrasion. One of the victim's sustained two lacerated wounds on the scalp. According to the prosecution, these were inflicted by the

first accused who has already been arrested. The 2nd petitioner is the mother of the 1st petitioner. She allegedly used the stick.

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) The petitioners shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. every Wednesday for one 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.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge