

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Bail Appl..No. 4937 of 2015

CRIME NO. 315/2015 OF KALLADICODE POLICE STATION , PALAKKAD

PETITIONERS/ACCUSED:-:

1. MUTHUKUTTAN, AGED 58 YEARS
S/O.VELLUTHIRA, ORAVANKODE COLONY, VAZHAMPURAM
KARAKURISSI, MANNARKKAD TALUK, PALAKKAD DISTRICT.
2. SUDHEESH, AGED 30 YEARS
S/O.MUTHUKUTTAN, ORAVANKODE COLONY, VAZHAMPURAM
KARAKURISSI, MANNARKKAD TALUK, PALAKKAD DISTRICT.
3. RAJAN, AGED 48 YEARS,
S/O.VELLESAN, ORAVANKODE COLONY, VAZHAMPURAM
KARAKURISSI, MANNARKKAD TALUK, PALAKKAD DISTRICT.
4. UNNIKRISHNAN, AGED 40 YEARS,
S/O.CHAMI, ORAVANKODE COLONY, VAZHAMPURAM
KARAKURISSI, MANNARKKAD TALUK, PALAKKAD DISTRICT.
5. MURALIKRISHNAN, AGED 36 YEARS
S/O.CHAMI, ORAVANKODE COLONY, VAZHAMPURAM
KARAKURISSI, MANNARKKAD TALUK, PALAKKAD DISTRICT.

**BY ADVS.SRI.P.P.THAJUDEEN
SRI.MANSOOR.B.H.**

RESPONDENT(S)/COMPLAINANT:-:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
(THROUGH STATION HOUSE OFFICER,
KALLADIKODU POLICE STATION, PALAKKAD DISTRICT).**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K. ABRAHAM MATHEW, J.

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B.A.No. 4937 of 2015

Dated this the 19th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No. 315 of 2015 of Kalladikode Police Station. Petitioners are alleged to have committed the offences under Sections 143, 147, 148, 448, 427, 341, 323, 324, 506(ii) read with Section 149 of the Indian Penal Code.

3. The prosecution case is that they armed with deadly weapons like iron rods and sticks, formed themselves into an unlawful assembly, threatened the victim, wrongfully restrained him and assaulted him.

4. Heard.

5. The incident happened on 12.06.2015. But the Police was informed only on 20.06.2015. This itself is a suspicious circumstance. So, I am inclined to grant anticipatory bail to the petitioners.

In the result, this application is allowed.

1)The petitioners shall be released on bail 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) 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 for interrogation if they are so required by him in writing.

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.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge