

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

Bail Appl..No. 4950 of 2015 ()

**CRIME NO. 926/2015 OF PARASSALA POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONERS/ACCUSED :

- 1. RENNY GEORGE, AGED 31 YEARS,
S/O GEORGE, ODALVILA PUTHEN VEEDU,
PLAMOOTTUKADA.P.O. NEYYATTINKARA,
THIRUVANANTHAPURAM DISTICT.**
- 2. SHERIN GEORGE, AGED 19 YEARS,
S/O GEORGE, ODALVILA PUTHEN VEEDU, PLAMOOTTUKADA.P.O.,
NEYYATTINKARA, THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.BIJU BALAKRISHNAN
SMT.V.S.RAKHEE
SMT.PRINCY XAVIER**

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA. THROUGH THE SUB INSPECTOR OF POLICE,
PARASSALA POLICE STATION.**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A. HARIPRASAD, J.

Bail Appl. No.4950 of 2015

Dated this the 16th day of September 2015

ORDER

Petition filed under Sec.438 Cr.P.C.

2. Petitioners are the accused in Crime No.926 of 2015 of Parassala Police station registered for the offences punishable under Secs.294(b), 323, 324, 326 and 341 read with Sec.34 of the Indian Penal Code. The prosecution case is that on 18.07.2015 at about 8.30 p.m., while the defacto complainant was riding a motorcycle, the petitioners, who came on another motorcycle, picked up a quarrel with the defacto complainant and attacked him causing injuries. It is the allegation that the first accused hit him with a handle of knife on his face and caused fracture of his facial bone.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. Learned counsel for the petitioners submitted that the prosecution case is a false story. Infact, the defacto complainant and two others attacked

the petitioners. Annexure-4 is the copy of the private complainant filed by the first petitioner, which was forwarded to the Police for investigation. Pursuant to that, Crime No.964 of 2015 was registered by Parassala Police. According to the learned counsel for the petitioners, they were attacked by the defacto complainant who is a known goonda in the locality.

5. Learned Public Prosecutor opposed the bail application and contended that the materials in the case diary reveal that the defacto complainant sustained fracture of facial bones at the hands of the 1st petitioner and the 2nd petitioner restrained the defacto complainant while the other man was attacking him.

6. Considering the nature of allegations, I am inclined to grant the prayer of the 2nd petitioner with the following conditions.

1. The 2nd petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation.

2. In the event of arrest, the petitioner

shall be released on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

3. He shall appear before the investigating officer as and when directed for interrogation.

4. He shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

5. He shall not involve in any other offence during the period of bail.

6. If he does not surrender as above, the investigating officer is free to arrest him along with the said person.

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

So far as the 1st petitioner is concerned the

plea for anticipatory bail is rejected. The 1st petitioner, in the event of surrendering before the investigating officer, shall be questioned and produced before the learned Magistrate having jurisdiction on the same day. The petitioner is free to move for bail before the learned Magistrate. In that event, the learned Magistrate may consider the application on merits.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

P.A. To Judge

NS