

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW**

**THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937`**

**Bail Appl..No. 5041 of 2015 ( )**

**CRIME NO. 769/2015 OF PALODE POLICE STATION,  
THIRUVANANDAPURAM DISTRICT**

**PETITIONERS/ACCUSED 1, 2 5 & 6 :**

- 1. MADHU @ KATTAILAKUZH MADHU, AGED 45 YEARS,  
S/O.PRADEEP KUMAR, R/A.KOCHUKUDAYANMUGAL VEEDU,  
M G NAGAR, MANALAYAM, NETTAYAM  
PEROORKKADA VILLAGE, (FROM MANPURATHU VEEDU, PULIMOODU  
KATTILAKUZH, ANAD MURI, THENUR VILLAGE)**
- 2. A2-SAJAN @ SAJU, AGED 35 YEARS,  
S/O.ISSAC SAJU VILASOM VEEDU, KATTAKKAL,  
MUNDAIKONAM, KUDAPPANAKUNNU VILLAGE**
- 3. A5-SHIBU, AGED 35 YEARS,  
S/O.SIVAN, RENTED AT VAYALARIKATHU VEEDU, MOSQUE LANE  
KESAVADASAPURAM, ULLOOR VILLAGE**
- 4. A6-BIJU @ KOCHAPPI  
S/O.KANTHASWAMI, (K K RA -26)PUTHUVAL PUTHEN VEEDU,  
KORAKULATHINKARA, NEAR M G COLLEGE, PATTOM VILLAGE**

**BY ADV. SMT.M.SANTHI (K/868/2011)**

**RESPONDENT/STATE/COMPLAINANT :**

**STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, PIN 682031**

**BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 20-08-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**bp**

**K. ABRAHAM MATHEW, J.**

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**B.A. No.5041 of 2015**  
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**Dated this the 20<sup>th</sup> day of August 2015**

**ORDER**

Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused in Crime No.769 of 2015 of Palode Police station registered for the offences under Secs.143, 147, 148, 307, 323, 324, 326 and 341 read with Sec.149 of the Indian Penal Code. The prosecution case is that they along with the co-accused armed with deadly weapons like chopper formed themselves into an unlawful assembly and attempted to commit murder of the victim by assaulting him with the weapons. The victim sustained serious injuries.

3. Heard both sides.

4. Learned Public Prosecutor submits that the first petitioner is involved in six other cases and if he is released on bail, there is every likelihood of his influencing or intimidating the witnesses.

5. The petitioners have been in custody since

22.07.2015. It appears that there is much weight in the submission of the learned Public Prosecutor. So I am not inclined to grant the prayer of the first petitioner. The other petitioners shall be released on bail subject to the following conditions.

In the result, the bail application is allowed.

1) The petitioners 2, 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 to the satisfaction of the learned Magistrate concerned.

2) They shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. every Wednesday for four 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 within five days of his release.

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.

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 bail application is dismissed so far as the 1<sup>st</sup> petitioner is concerned.

Sd/-  
**K. ABRAHAM MATHEW**  
**JUDGE**

NS