

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Bail Appl..No. 5055 of 2015 ()

**CRIME NO. 1564/2015 OF THIRUVALLA POLICE STATION,
PATHANAMTHITTA DISTRICT**

PETITIONERS/ACCUSED NO.2,3, AND 5 :

- 1. CYRIL J. VANIAPURACKAL, AGED 37 YEARS,
VANIAPURACKAL HOUSE, AZHIYIDATHUCHIRA P.O.,
THIRUVALLA, PATHANAMTHITTA DISTRICT.**
- 2. SREEJITH NAMBOOTHIRI, AGED 30 YEARS,
S/O. SREEKANDAN NAMBOOTHIRI, UTHRAMEL THEKKEMADAM
AZHIYIDATHUCHIRA P.O., THIRUVALLA,
PATHANAMTHITTA DISTRICT.**
- 3. ABY P. MATHEW, AGED 35 YEARS,
S/O.MATHEW, PATTARUMADAM, AZHIYIDATHUCHIRA P.O.,
THIRUVALLA, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENT/STATE/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-31.**

BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-09-2015 ALONG WITH BA 5120/2015 & BA 5148/2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A Nos.5055, 5120 & 5148 of 2015

Dated this the 15th day of September, 2015.

COMMON ORDER

Applications for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are the accused persons in Crime No.1564 of 2015 of Thiruvalla Police Station registered for offences punishable under Sections 143, 147, 148, 149, 449, 286, 436, 324 and 307 I.P.C.

3. Prosecution case, in short, is that on 08-07-2015 at about 2.30 hours in the night, the accused persons formed themselves into an unlawfully assembly and trespassed into the residential buildings wherein the defacto complainant was staying. They were armed with deadly weapons including flammable substances like petrol, kerosene etc. The accused persons were nurturing hostility towards the defacto complainant on account of some previous incident. After entering the house, the accused persons attacked the defacto

complainant with an iron rod, exhorting to kill him.

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

5. Learned counsel for the petitioners submitted that they are innocent of all allegations. According to him, the defacto complainant is an accused in Crime No.1447/2010 of Kottayam West Police Station registered under Section 302 I.P.C. He is a known goonda of their locality. He is making problems and the accused persons were falsely implicated in the crime.

6. Learned Public Prosecutor opposed the bail application. Perused the case diary and the materials therein. Wound certificate pertaining to the defacto complainant shows that he was admitted to hospital with multiple lacerated wounds and multiple fractures. The plea of total innocence is prima facie unacceptable. Considering the nature of allegations following

directions are issued :

The petitioners shall surrender before the Investigating Officer within a period of one week from today and submit themselves for interrogation. Thereafter, they shall be produced before the learned Magistrate having jurisdiction on the same day. The petitioners are free to move for regular bail before the court below. In that event, the application shall be considered on merits as expeditiously as possible. If petitioners do not surrender in the stipulated time, the Investigating Officer is free to arrest them as if no order is passed in this matter.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

P.A to Judge