

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Bail Appl..No. 5111 of 2015 ()

CRIME NO. 1770/2015 OF THIRUVALLA POLICE STATION, PATHANAMTHITTA DISTRICT

PETITIONERS/ACCUSED 2 TO 6 :

1. JAYANTHAN,
AGED 26 YEARS, S/O. MOHANAN,
MADAPPURATH HOUSE, VRINDAVAN COLONY
WEST OTHERA.
2. NIDHIN
AGED 22 YEARS
S/O. RAVEENDRAN,
THOPPUMKARA HOUSE,
WEST OTHERA.
3. AJI @ AKHILKUMAR
AGED 19 YEARS, S/O. SUSEELAN,
KARIKKANNAMCHIRAYIL, VRINDAVAN COLONY
WEST OTHERA.
4. VAISAKH
AGED 22 YEARS, S/O. RAJU,
CHARUVIL HOUSE, KUTTOOR P.O.
5. ABHIJITH
AGED 22 YEARS, S/O. GOPIDAS,
ALUNILKKUNNATHIL HOUSE, KUTTOOR P.O.

**BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEESH KUMAR**

RESPONDENTS/COMPLAINANTS :

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.
2. SUB INSPECTOR OF POLICE
THIRUVALLA-689 101.

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

A.HARIPRASAD, J.

B.A No.5111 of 2015

Dated this the 28th day of September, 2015.

ORDER

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

2. Petitioners are accused Nos.2 to 6 in Crime No.1770 of 2015 of Thiruvalla Police Station registered for offences punishable under Sections 341, 323, 324 and 307 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that on 29-07-2015 at about 10.00 p.m., the accused persons attacked the defacto complainant with iron rod and he sustained injuries and was taken to hospital.

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

5. Learned counsel for the petitioners submitted that in fact the defacto complainant is involved in Crime No.1893/2015 of Chengannur Police station, which was re-registered as Crime No.1845/2015 of Chengannur Police Station for offences punishable under Section 363 I.P.C and Sections 7 and 8 of Protection of Children from Sexual Offences Act. It is the allegation that the

defacto complainant committed sexual assault on the sister of the first accused, which gave rise to the incident. I have perused the wound certificate pertaining to the defacto complainant. He sustained multiple lacerated wounds. Prosecution case is that the first petitioner (second accused) used iron rod to attack the defacto complainant. Recovery of the weapon may be essential.

6. Learned Public Prosecutor opposed the bail application. Considering the nature of allegations, I am not inclined to grant any favourable order to the first petitioner under Section 438 Cr.P.C. In respect of other petitioners 2 to 5 (accused Nos.3 and 4 to 6), following directions are made :

1. Petitioners 2 to 5 shall surrender before the investigating officer within a period of one week from today and submit themselves for interrogation. In that event, they shall be released on bail on executing a bond for Rs.25,000/- each (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

2. The sureties shall produce documents to establish their identity and solvency.
3. Petitioners 2 to 5 shall appear before the Investigating Officer as and when directed in writing and co-operate with the investigation in the matter.
4. Petitioners shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

P.A to Judge

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