

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

Bail Appl..No. 5135 of 2015

**CRIME NO. 1229/2015 OF THIRUVALLA POLICE STATION,
PATHANAMTHITTA DISTRICT**

PETITIONER(S)/ACCUSED 1 & 2 :

- 1. RATHEESH V. RAJAN, AGED 28 YEARS, S/O.RAJAN,
VALIYAPARAMBIL HOUSE, PUNNILAM, KOTTOOR P.O.,
KAVIYOOR VILLAGE, THIRUVALLA.**
- 2. RENJITH.P.RAJAN @ RENJU, AGED 26 YEARS,
S/O.RAJAN, VALIYAPARAMBIL HOUSE, PUNNILAM COLONY,
KAVIYOOR, KOTTOOR P.O, THIRUVALLA.**

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A. HARIPRASAD, J.

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B.A.No.5135 of 2015

Dated this the 4th day of September, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are accused 1 and 2 in Crime No. 1229 of 2015 of Thiruvalla Police Station. The offences alleged against them are punishable under Sections 294(b), 323, 324, 354 and 302 read with Section 34 of the Indian Penal Code.

3. It is alleged that the accused three in number, due to previous enmity towards the deceased and with a common intention to murder him, attacked him on 07.06.2015 at 6.45 p.m. with dangerous weapons and inflicted fatal injuries on the deceased.

4. The accused were arrested on 11.06.2015 and they remain in judicial custody.

5. Heard both sides.

6. Learned counsel for the petitioner submitted that the investigation has advanced and there is no need to confine them.

Learned Public Prosecutor opposed the bail application and contended that the accused have used steel pipes to attack the deceased.

Considering the stage of investigation, I am of the view that bail can be granted to the petitioners with following strict conditions:

- 1)The petitioners shall 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 having jurisdiction.*
- 2)The sureties shall produce documents to reveal their identity and solvency. The learned trial Judge need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.*
- 3)The petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 10 a.m and 11 a.m. until the final report is filed.*
- 4)The petitioners shall not indulge in any offence while on bail.*
- 5)The petitioners shall not influence or intimidate the witnesses or meddle with the investigation in any manner.*

If any of the above conditions is breached by any of the petitioners, the learned Magistrate is free to cancel bail without referring the matter to this Court.

Sd/-

**A. HARIPRASAD,
JUDGE**

DST

//True copy//

P.A. To Judge