

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 25TH DAY OF AUGUST 2015/3RD BHADRA, 1937

Bail Appl..No. 5263 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CRMC 1761/2015 of D.C & SESSIONS
COURT,TRIVANDRUM DATED

AGAINST THE ORDER/JUDGMENT IN CMP 3987/2015 of J.M.F.C.-I,NEDUMANGAD
DATED
CRIME NO. 769/2015 OF PALODE POLICE STATION , THIRUVANANDAPURAM

PETITIONERS/ACCUSED 3 AND 4:

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1. DALIM @ KARUMPAN AGED 45 YEARS
S/o.MOHAN DAS
RESIDING AT DENI VILASAM, MG NAGAR
MANALAYAM, NETTAYAM, PALDE KURUNTHALI
ANAD MURI, PALODE VILLAGE
 2. SABIN GEORGE, AGED 35 YEARS
S/o.GEORGE, SUJATHA BHAVAN
IDAVAM, IDINJAR, ANAD MURI, THENNUR VILLAGE

BY ADVS.SMT.M.SANTHI (K/868/2011)
SRI.G.RANJU MOHAN

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY the PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR: SMT SHEEBA M T

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 25-08-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1 : TRUE COPY OF THE ORDER IN CMP.NO.3987/15 DATED
30.07.2015

ANNEXURE A2 : TRUE COPY OF the ORDER IN CRIMINAL M C 1761/2015
DATED 13.08.2015

RESPONDENTS EXHIBITS:NIL

True Copy /

P.A to Judge

SUNIL THOMAS, J.

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B.A.No.5263 of 2015

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Dated this the 25th day of August, 2015

ORDER

Accused Nos.3 and 4 in Crime No.769 of 2015 of Palode Police Station for offences punishable under Sections 143, 147, 148, 341, 323, 324, 326 and 307 r/w Section 149 of the Indian Penal code are the petitioners herein.

2. The prosecution case is that the accused armed with deadly weapons, including chopper, formed into an unlawful assembly and attempted to commit murder of the de facto complainant. On the basis of the complaint lodged, crime was registered and the police is investigating. Petitioners herein were arrested on 29.07.2015 and are in custody since then.

3. Heard both sides and examined the records.

4. Learned counsel for the petitioners relied on the order of this Court in B.A.No.5041 of 2015 wherein accused Nos.1, 2, 5 and 6 sought bail. This Court by order dated 20.08.2015 declined to grant bail to the first accused on the ground that he is involved in several other cases. The Court granted bail to the remaining accused. Though, the present petitioners were arrested after seven days, since the impugned order of the learned magistrate as well as

the order in B.A.No.5041 of 2015 indicates that accused Nos.2 to 6 stands on the same pedestal, I am inclined to extent the benefit of bail granted by the order in B.A.No.5041 of 2015 to the petitioners herein also. Hence, they are granted bail subject to the following conditions.

(i) The petitioners will be released on bail on their executing a bond for Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for the like sum to the satisfaction of the learned magistrate concerned.

(ii) They shall appear before the Investigating Officer between 10 a.m. and 11 a.m. every Wednesday for four months or till the final report is filed, whichever is earlier.

(iii) 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.

(iv) They shall not leave India without the previous permission of the Court of enquiry or the trial court concerned as the case may be.

(v) They shall not destroy or tamper with evidence nor shall they get themselves involved in any other criminal case.

(vi) 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.

Sd/-
SUNIL THOMAS
Judge

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