

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

Bail Appl..No. 5353 of 2015 ()

CRIME NO. 980/2015 OF NEMMARA POLICE STATION, PALAKKAD DISTRICT.

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APPLICANTS/ACCUSED NOS. 2, 5 TO 8:

- 1. RAMESH, AGED 28 YEARS,
S/O.MANI, KOZHIKKODE VEEDU,
THIRUVAZHIYAD, NEMMARA, PALAKKAD.**
- 2. SUBASH, AGED 37 YEARS,
S/O.MANI, KOZHIKKODE VEEDU,
THIRUVAZHIYAD, NEMMARA, PALAKKAD.**
- 3. SHIJU, AGED 27 YEARS,
S/O.KRISHNAN, KOZHIKKODE VEEDU,
THIRUVAZHIYAD, NEMMARA, PALAKKAD.**
- 4. ANEESH, AGED 29 YEARS,
S/O.VELAYUDHAN, KOZHIKKODE VEEDU,
THIRUVAZHIYAD, NEMMARA, PALAKKAD.**
- 5. MANOJ, AGED 24 YEARS,
S/O.NARAYANAN, KOZHIKKODE VEEDU,
THIRUVAZHIYAD, NEMMARA, PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL).

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A.No.5353 of 2015

Dated this the 16th day of September, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.2 and 5 to 8 in Crime No.980 of 2015 of Nemmara Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 324, 354, 308, 427, 447, 294(b) and 506(ii) r/w Section 149 of the Indian Penal Code.

3. Prosecution case is that on 28.07.2015 at about 06.30 p.m., the accused persons formed themselves into an unlawful assembly and attacked the *de facto* complainant, a lady and thereby, committed the said offences. It is alleged that the second petitioner attacked the *de facto* complainant's son by using granite piece. Accused 5 to 8 abused the *de facto* complainant.

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

5. Learned counsel for the petitioners submitted

that the entire allegations are false, in fact that was a property dispute between the neighbours. A counter case was also registered in this connection.

6. Learned Public Prosecutor submitted that the counter case was referred as a false one.

7. Considering the nature of allegations, following directions are issued:

- (a) Petitioners shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on their executing a bond for ₹25,000/- (Rupees Twenty Five Thousand Only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioners shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) The petitioners shall co-operate with the

investigation of the case.

- (d) The petitioners shall not intimidate or attempt to influence the witnesses.
- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) Petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate. If they do not surrender within the stipulated time the order will become in operative and the Officer is free to arrest them.

Sd/-

A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge