

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

Bail Appl.No. 5371 of 2015

CRIME NO. 379/2015 OF VYTHIRI POLICE STATION, WAYANAD

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PETITIONER(S)/ACCUSED 1 TO 6:

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1. FEJIN FRANCIS, AGED 20 YEARS,  
S/O.FRANCIS, PARAKKATT HOUSE, VADAKKUMBRAM POST,  
CHENNAMANGALAM VILLAGE, NORTH PARAVOOR,  
ERNAKULAM - 683 521.
2. SANJU, AGED 19 YEARS,  
S/O.SOMANATHAN PILLAI, "KANAKAMANGALAM",  
CHERUTHANA P.O. AND VILLAGE, ALAPPUZHA DISTRICT,  
PIN - 690 517.
3. RABIN, AGED 20 YEARS,  
S/O.SUBAIR, ESHAL HOUSE, KAKKOOR POST,  
CHELANOOR VILLAGE, KOZHIKODE DISTRICT, PIN - 673 613.
4. ARUN RAJU, AGED 19 YEARS,  
S/O.RAJU, CHELAPURATH HOUSE, OLIAYPURAM POST,  
THIRUMARADI VILLAGE, ERNAKULAM DISTRICT.
5. VAISHAK G. KRISHNA, AGED 21 YEARS,  
S/O.GOPALAKRISHNAN, PANATHARAYIL HOUSE,  
POST PUNNAKKADU, KOZHENCHERRY, PATHANAMTHITTA DISTRICT,  
PIN - 689 652.
6. VISHNU, AGED 21 YEARS,  
S/O.RAJENDRAN, POLACHIRA HOUSE, BHARATHIPURAM POST,  
EROOR VILLAGE, KOTTARAKKARA TALUK, KOLLAM DISTRICT,  
PIN - 691 330.

BY ADV. SRI.M.S.BREEZ

RESPONDENT(S):

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1. STATE OF KERALA,  
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM.
2. STATION HOUSE OFFICER,  
VYTHIRI POLICE STATION, WAYANAD.

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
10-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

**A.HARIPRASAD, J.**

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**B.A. No.5371 of 2015**  
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**Dated this the 10<sup>th</sup> day of September, 2015**

**ORDER**

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 1 to 6 in Crime No.379 of 2015 of Vythiri Police Station. They are involved in offences punishable under Sections 143, 147, 148, 341, 324, 144 and 308 read with Section 149 of the Indian Penal Code. Petitioners are students in a catering college. It appears that the dispute is between senior students and junior students in connection with running of a canteen.

3. Heard both sides.

4. Learned counsel for the petitioners submitted that the disputes between the parties have been practically settled. No custodial interrogation is necessary in this case. Learned Public Prosecutor opposed the bail application.

After hearing both sides, I am of the view that the following order can be passed:

i. Petitioners shall appear before the investigating officer within a period of two weeks and submit themselves for interrogation. Thereafter each one of them shall execute a bond for ₹25,000/- (Rupees

twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, they shall be released on bail in Crime No.379 of 2015 of Vythiri Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. Petitioners shall appear before the Investigating Officer as and when directed for the purpose of investigation in the matter.

iv. They shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the learned Magistrate having jurisdiction is empowered to cancel the bail in accordance with law without referring the matter to this Court.

**A. HARIPRASAD, JUDGE.**

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