

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 17TH DAY OF SEPTEMBER 2015/26TH BHADRA, 1937

Bail Appl..No. 5499 of 2015

CRIME NO. 805/2015 OF KALLAMBALAM POLICE STATION, THIRUVANANTHAPURAM
.....

PETITIONER(S)/ACCUSED 4 & 6:

- 1. VIPIN, AGED 23 YEARS,
S/O.SUDARSANAN, S.V.NIVAS, NEDUMPARAMBU P.O.,
THIRUVANANTHAPURAM.**
- 2. AJI N., AGED 24 YEARS,
S/O.NAKULAN, ANEESH BHAVAN, NEDUMPARAMBU P.O.,
THIRUVANANTHAPURAM.**

BY ADV. SRI.J.JAYAKUMAR

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
17-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.5499 of 2015

Dated this the 17th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 4 and 6 in Crime No.805 of 2015 of Kallambalam Police Station registered for offences punishable under Sections 143, 147, 148, 149, 294(b), 341, 447, 323 and 326 of the Indian Penal Code.

3. Prosecution case is that on 07.06.2015 at about 3.00 p.m., the accused as members of an unlawful assembly, armed with sticks trespassed into the courtyard of the defacto complainant, who is the owner of an autorickshaw driven by the first accused, and attacked him on account of some monitory dispute. First accused beat the defacto complainant with a stick on the head and nose causing serious injuries.

4. Heard both sides.

5. Learned counsel submitted that the petitioners are not involved in the incident. Further, there is no allegation for the prosecution that they used any weapon in the incident.

6. Learned Prosecutor after perusing the case diary submitted that there is no allegation against the petitioners that they used any weapon in the incident.

Considering the entire matters, the following directions are

issued:

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 ₹50,000/- (Rupees fifty 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.805 of 2015 of Kallambalam 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 in writing and co-operate with the 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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