

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Bail Appl..No. 5714 of 2015

**CRIME NO. 1765/2015 OF ATTINGAL POLICE STATION,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER(S)/ACCUSED NOS.1 TO 3, 6 & 7:

1. RATHEESH, AGED 31 YEARS,
S/O.MOHANAN NAIR, PINNAMKONATHU VEEDU, VANCHIYOOR,
MEVARKAL DESOM, ALAMCODE VILLAGE,
THIRUVANANTHAPURAM DISTRICT.
2. AJI, AGED 39 YEARS,
S/O.GOPI, KATTIL VEEDU, MANNOOR BHAGOM,
MEVARKAL DESOM, ALAMCODE VILLAGE,
THIRUVANANTHAPURAM DISTRICT.
3. SUJITH, AGED 31 YEARS,
S/O.GOPALAKRISHNAN NAIR, N.J.VILASAM,
NEAR VANCHIYOOR JUNCTION, MEVARKAL DESOM,
ALAMCODE VILLAGE, THIRUVANANTHAPURAM DISTRICT.
4. BIJU, AGED 37 YEARS,
S/O.MANIYAN, KUNNUMPURATHU VEEDU,
NEAR VANCHIYOOR MARKET, MEVARKAL DESOM,
ALAMCODE VILLAGE.
5. VIMESH, AGED 27 YEARS,
S/O.SISUPALAN, VIKAS BHAVAN, PATTALA,
MEVARKAL DESOM, ALAMCODE VILLAGE,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/STATE AND COMPLAINANTS :

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

Bail Appl..No. 5714 of 2015

**2. CIRCLE INSPECTOR OF POLICE,
ATTINGAL POLICE STATION,
THIRUVANANTHAPURAM DISTRICT- 695 101.**

**3. SUB INSPECTOR OF POLICE,
ATTINGAL POLICE STATION, THIRUVANANTHAPURAM DISTRICT- 695 101.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A.No.5714 of 2015

Dated this the 30th day of September, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.1, to 3, 6 and 7 in Crime No.1765 of 2015 of Attingal Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 294(b), 323, 324, 326 and 307 r/w Section 149 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution allegation is that the accused 1 to 5 along with 10 persons identifiable on sight due to their enmity towards the *de facto* complainant and his friends, formed themselves into an unlawful assembly with the common object committing the murder of the *de facto* complainant, armed with deadly weapons, attacked him on 28.08.2015, causing grievous hurt. Thereby, he sustained fracture and other serious injuries.

4. Heard the learned counsel for the petitioners

and the learned Public Prosecutor.

5. Leaned Public Prosecutor opposed the bail application for two reasons. Firstly, some of the accused persons are yet to be arrested. Secondly, the Police apprehends breach of peace in the locality.

6. Investigation has advanced to a considerable extent. Petitioner is not involved in any other offence earlier as per the instructions received by the Prosecutor, I am inclined to grant bail to the petitioners with the following conditions:

- (a) The petitioners shall be released on bail on their executing a bond for ₹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.
- (b) The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on

solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

- (c) The petitioners shall not enter the local limits of Attingal Police Station for a period of three months except for the purpose of reporting to the Investigating Officer or attending the court.
- (d) The petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (e) The petitioners shall not intimidate or attempt to influence the witnesses.
- (f) The petitioners shall not in any manner interfere or meddle with the investigation.
- (g) The petitioner 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.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A to Judge