

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

Bail Appl..No. 5743 of 2015 ()

**CRIME NO. 1466/2015 OF PALA POLICE STATION,
KOTTAYAM DISTRICT**

PETITIONERS/ACCUSED 2 & 3 :

- 1. JIJO FRANCIS, AGED 32 YEARS,
S/O.FRANCIS, MOONNUTHOTTIYIL HOUSE,
VELLIYAPPALLIL, PALA.**
- 2. JIBI FRANCIS, AGED 30 YEARS,
S/O. FRANCIS, MOONNUTHOTTIYIL HOUSE,
VELLIYAPPALLIL, PALA.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENTS/STATE :

- 1. STATE OF KERALA
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
(CRIME NO.1466/2015 OF PALA POLICE STATION,
KOTTAYAM DISTRICT).**
- 2. STATION HOUSE OFFICER
PALA POLICE STATION, KOTTAYAM - 686 575.
(CRIME NO.1466/2015 OF PALA POLICE STATION
KOTTAYAM DISTRICT).**

R1 & R2 BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.5743 of 2015

Dated this the 20th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Accused 2 and 3 in Crime No.1466 of 2015 of Pala Police Station registered alleging offences punishable under Sections 294(b), 341, 324 and 326 read with Section 34 of the Indian Penal Code are the petitioners. They seek pre-arrest bail.

3. Prosecution case is that on 16.08.2015 at 3.00 p.m., these petitioners along with another accused attacked the defacto complainant by using an iron rod. In the attack, he sustained fracture of tibia of a leg.

4. Heard both sides.

5. Learned counsel for the petitioners contended that at 1 O' clock on the same day, another incident had happened wherein the first accused was attacked and he sustained injuries on head. He was admitted to hospital. In connection with the said incident Crime No.1467 of 2015 of the same Police Station has been registered. According to the learned counsel, this is a false case. Originally there was another man by name Anoop as an accused in this case, but his name was later deleted.

Considering the nature of allegations, pre-arrest bail is granted

to the petitioners with following conditions:

i. Petitioners shall surrender 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.1466 of 2015 of Pala Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioners shall appear before the investigating officer as and when directed 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 officer concerned is free to arrest the petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

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