

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

THURSDAY, THE 12TH DAY OF NOVEMBER 2015/21ST KARTHIKA, 1937

Bail Appl. No. 5946 of 2015 ()

CRIME No.938/2015 OF VELLARADA POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/1ST & 2ND ACCUSED :

- 1. SREEJITH, AGED 23 YEARS,
S/O. SREEKUMAR, JITH HOUSE, AMBOORI,
KOVILOOR DESOM, AMBOORI VILLAGE, THIRUVANANTHAPURAM.**
- 2. SREEJIL, AGED 21 YEARS,
S/O. SREEKUMAR, JITH HOUSE, AMBOORI,
KOVILOOR DESOM, AMBOORI VILLAGE, THIRUVANANTHAPURAM.**

BY ADV. SRI. M.R. SARIN

RESPONDENT(S)/STATE/DEFACTO COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE SUB INSPECTOR OF POLICE,
VELLARADA POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. MADHUBEN. M

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

BABU MATHEW P. JOSEPH, J.

B.A. No. 5946 of 2015

Dated this the 12th day of November, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioners and the learned public prosecutor appearing for the respondents. C.D. Produced.

3. The petitioners are the accused 1 and 2 in Crime No.938 of 2015 of Vellarada Police Station. The offences alleged are under Sections 341, 323, 324 and 354 read with Section 34 of IPC. The petitioners are brothers. Learned counsel for the petitioners submits that they are innocent of the allegations raised against them. They have no criminal antecedents. The investigation of the case has progressed much. The custodial interrogation of the petitioners is not required. The defacto complainant has preferred the complaint before

the police in order to wreak vengeance against the petitioners for the reason that the 1st petitioner preferred a complaint against the defacto complainant. He further submits that the petitioners apprehend arrest by the police at any time.

4. Learned Public Prosecutor has opposed this petition. She admits the fact that the investigation has progressed much. She further submits that no criminal antecedents have been reported against the petitioners. On considering the facts and circumstances, stage of the investigation and the fact that no criminal antecedents have been reported against the petitioners, this Court is of the view that the petitioners can be granted anticipatory bail imposing appropriate conditions.

5. Therefore, the petitioners are granted anticipatory bail subject to the following conditions:

1. The petitioners shall surrender before the Investigating Officer on or before 20.11.2015. In the event of their arrest, they shall be released on bail on their executing bonds 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.

2. The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.
3. The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.
4. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
5. The petitioners shall not commit any similar offence while on bail.
6. The petitioners shall not leave India without the previous permission of the concerned Magistrate's Court.

This petition is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE