

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Bail Appl..No. 5963 of 2015

CRIME NO. 1274/2015 OF POOYAPALLY POLICE STATION, KOLLAM
.....

PETITIONER(S)/ACCUSED:

1. RAGESH, AGED 26 YEARS,
S/O.RADHAKRISHNA PILLA, KOCHUPUTHEN VEEDU, UMMANNOOR,
KOLLAM DISTRICT.
2. ANIKUTTAN, AGED 23 YEARS,
S/O.KOCHUNARAYANAN, PLAVILA VEEDU, UMMANNOOR,
KOLLAM DISTRICT.
3. PRESANTH, AGED 19 YEARS,
S/O.PRASAD, KANNAN VILASAM, UMMANNOOR,
KOLLAM DISTRICT.

BY ADVS.SRI.T.A.UNNIKRIISHNAN
SRI.K.K.AKHIL

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.BINDU GOPINATH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
14-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

msv/

RAJA VIJAYARAGHAVAN V, J.

B.A.No.5963 of 2015

Dated this the 14th day of October, 2015

O R D E R

This is an application for anticipatory bail filed under S.438 of the Code of Criminal Procedure.

2. The petitioners herein are the accused Nos.1 to 3 in Crime No.1274/2015 of Pooyappally Police Station. The said crime has been registered alleging offence punishable under S.143, 147, 148, 427, 324, 308 r/w S.149 of the Indian Penal Code.

3. The gist of the allegation is that on 26.08.2015 at about 10 p.m., the accused formed themselves into an unlawful assembly and assaulted the first informant with a stick.

4. I have heard the learned counsel appearing for the petitioners as well as the learned Public Prosecutor.

5. It is submitted by the learned counsel appearing for the petitioners that the petitioners as well as the de facto complainant are neighbours and there are no criminal antecedents on the part of the petitioners. The accident register cum wound certificate handed over for perusal by the learned Public Prosecutor reveals that the informant had sustained some bruises on the hands and legs. In the facts and circumstances it is felt that custodial interrogation is not warranted.

6. After having considered the rival submissions, the nature and gravity of the allegations, the antecedents of the petitioners and the stage of investigation, I am of the considered view that anticipatory bail can be granted to the petitioners by imposing appropriate conditions.

In the result, this application is allowed, but subject to the following conditions:

i). The petitioners shall be released on bail after interrogation on their executing a bond for 25,000/- each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

ii). 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/her from disclosing such facts to the court or to any police officer.

iii). The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

iv). The petitioners shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the

prosecution.

v). The petitioners shall not commit any similar offence while on bail.

vi). The petitioners shall not leave India without the previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

This application is allowed as above.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge