

**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. 5966 of 2015**

**CRIME NO. 635/2015 OF KONGAD POLICE STATION, PALAKKADU DISTRICT.**

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**PETITIONERS/ACCUSED 1-7:**

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1. MIDHUN, AGED 21 YEARS, S/O.O.C.SIVAN,  
THIRUTHINI VEEDU, ODUVANKADU,  
NOCHIPULLY.P.O,MUNDUR, PALAKKADU DISTRICT.
2. RAJAN, AGED 21 YEARSU  
S/O.KOTTU, THIRUTHINI VEEDU, ODUVANKADU,  
NOCHIPULLY.P.O,MUNDUR, PALAKKADU DISTRICT.
3. SUDHAKARAN.O.C, AGED 21 YEARS,  
S/O.CHAMI, THIRUTHINI VEEDU, ODUVANKADU,  
NOCHIPULLY.P.O,MUNDUR, PALAKKADU DISTRICT.
4. SURESH, AGED 21 YEARS,  
S/O.CHAMIYAR, ARIpra HOUSE, PALAKEEZHU,  
MUNDUR, PALAKKADU DISTRICT.
5. RAMESH, AGED 21 YEARS,  
S/O.CHANDRAN, THIRUTHINI VEEDU, ODUVANKADU,  
NOCHIPULLY.P.O,MUNDUR, PALAKKADU DISTRICT.
6. SASI, AGED 21 YEARS, S/O MADHAVAN,  
MOZHIKUNNAM VEEDU, MUNDUR, PALAKKADU DISTRICT.
7. RAMDAS, AGED 21 YEARS, S/O.KRISHNAN,  
THIRUTHINI VEEDU, ODUVANKADU,  
NOCHIPULLY.P.O,MUNDUR, PALAKKADU DISTRICT.

**BY ADVS.SRI.K.S.ARUN KUMAR  
SRI.M.S.DILEEP  
SRI.P.A.VIBIN**

**RESPONDENT/COMPLAINANT:**

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

**BY PUBLIC PROSECUTOR SRI.REJI JOSEPH**

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

mbr/

**RAJA VIJAYARAGHAVAN V, J.**

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**B.A.No.5966 of 2015**  
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**Dated this the 14<sup>th</sup> 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 are the accused Nos.1 to 7 in Crime No.635/2015 of Kongad Police Station, Palakkad District. The said crime is registered for offence punishable under S.143, 147, 341, 323, 324, 506(i), 308 r/w S.34 of Indian Penal Code.

3. The prosecution allegation is that on 08.09.2015 at about 6.30 p.m., while the de facto complainant along with his friend were coming in a motorcycle and when they reached near the Oduvankadu Temple premises, the petitioners attacked the de facto complainant and his friend

and thereby committed the offence.

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

5. The learned counsel appearing for the petitioners submitted that the allegations are mainly directed against accused Nos. 1 & 2. According to the learned counsel, in so far as the accused Nos.3 to 7 is concerned, there is no allegation of any overt act committed by them.

6. The learned Public Prosecutor vehemently opposed the prayer for anticipatory bail and contended that the first informant had sustained a lacerated wound. The case diary was also handed over for perusal.

7. I have gone out through the materials and it is seen from the accident register cum wound certificate that

the specific allegation of the de facto complainant is that he was assaulted by two known persons at Oduvankadu at 6.30 p.m on the date of incident. In so far as the petitioner Nos. 1 & 2 are concerned, there are specific allegations in the First Information Statement. In so far as the petitioner Nos.3 to 7 are concerned, it appears that their name was included later as an after thought.

In the light of the above, I am of the considered view that anticipatory bail can be granted to the petitioner Nos. 3 to 7 who are accused Nos. 3 to 7 in the aforesaid crime subject to appropriate conditions:

i). The petitioners 3 to 7 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 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.

In so far as the petitioners Nos. 1 & 2 are concerned, the application shall stand dismissed. Needless to say, the option of the petitioner to surrender before the Investigating Officer or the learned Magistrate and seek regular bail shall remain unfettered. If the petitioners so appears and applies for bail, needless to say, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously.

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

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*[True copy]*

*P.A to Judge*