

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. 5987 of 2015 ()

ORDER IN CRMC 1294/2015 of THE SESSIONS COURT, THALASSERY DATED 18.9.2015
CRIME NO. 1166/2015 OF VALAPPATANAM POLICE STATION, KANNUR

PETITIONER(S)/ACCUSED 1 - 4:

1. ROOPESH, AGED 32 YEARS,
S/O. RAJAN, MULLIKKOT HOUSE, MOLOLAM
AZHEEKOD P.O, KANNUR DISTRICT.
2. SHAJI A, AGED 37 YEARS,
S/O. PURUSHOTHAMAN, ALAKKAL HOUSE, MANNA
VALAPATTANAM P.O., KANNUR DISTRICT.
3. SHARIN, AGED 37 YEARS
S/O. RAMACHANDRAN, MOTTAMMAL HOUSE, PUTHIYAPARAMBA
KANNUR DISTRICT.
4. AJEER, AGED 32 YEARS
S/O. HAMZHAKUTTY, PALATHINTAVIDE HOUSE
VALAPATTANAM P.O., KANNUR DISTRICT.

BY ADV. SRI.I.V.PRAMOD

RESPONDENT(S):

STATE OF KERALA REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM,
KOCHI - 682 031

BY PUBLIC PROSECUTOR BINDU GOPINATH

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

Bail Appl..No. 5987 of 2015

APPENDIX

ANNEXURE

A1- A TRUE COPY OF THE ORDER IN CRL.M.C.1294 OF 2015 DATED 18.9.2015 OF THE SESSIONS COURT, THALASSERY IN CRIME NO.1166 OF 2015 OF VALAPATTANAM POLICE STATION.

//True copy//

P.S. To Judge

RAJA VIJAYARAGHAVAN.V. J

B.A.5987 of 2015

Dated 14th October, 2015

ORDER

1. This is an application for pre-arrest bail filed u/s 438 of the Code of Criminal Procedure.
2. The petitioners are accused Nos.1 to 4 in crime No.1166 of 2015 of Valapattanam police station, Kannur district. The said crime was registered for offence punishable u/s 143, 147, 148, 341, 323, 324 and 308 r/w S.149 IPC.
3. The prosecution allegation is that on 28.8.2015 at 2.30 pm, the petitioners attacked the de facto complainant and his friends with a wooden reaper and iron pipe causing injuries to them.
4. I have heard the learned counsel for the petitioners as well as the learned Public Prosecutor.

5.The learned counsel for the petitioners has submitted that the allegation levelled against the petitioners are false and that the informant was assaulted by locals when he along with his friends had created mischief during the Onam celebrations held on 28.8.2015. It is further submitted that the allegations raised by the 1st informant has not been substantiated by the medical records. The learned Public Prosecutor has also submitted that the case diary does not contain medical records to support the allegations levelled by the 1st informant.

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

7.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 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

MrCS

//True copy//