

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. 6039 of 2015 ()

CRIME NO. 772/2015 OF KATTOOR POLICE STATION , TRISSUR

PETITIONERS/ACCUSED NO.2 & 3:

1. SUBRAMANIAN AGED 47 YEARS
S/O VELANDI, EGHAPILLY HOUSE, ARIPPALAM
POOMANGALAM VILLAGE, THRISSUR DISTRICT.
2. LOHITHAKSHAN, AGED 62 YEARS
KUMBALATHUPARAMBIL HOSUE, ARIPPALAM
POOMANGALAM VILLAGE, THRISSUR DISTRICT.

BY ADV. SRI.V.BINOY RAM

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, PIN:682031.

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:

Bail Appl..No. 6039 of 2015

APPENDIX

ANNEXURE

A1- TRUE COPY OF THE CERTIFICATE OF SERVICE OF THE 2ND PETITIONER

//True copy//

P.S. To Judge

RAJA VIJAYARAGHAVAN.V. J

B.A.6039 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.2 and 3 in crime No.772 of 2015 of Kattoor police station, Thrissur. The said crime has been registered for offences punishable u/s 341, 323, 324, 326 and S.354 of the IPC.
3. The gist of the prosecution allegation is that on 27.8.2015 at 10.30 am, the petitioners, along with two others, had manhandled the de facto complainant by using iron rod and sticks.
4. I have heard the learned counsel for the petitioners and the learned Public Prosecutor.

5.The learned counsel for the petitioners has submitted that the allegation of having used an iron rod for infliction of injuries is as against the 1st accused. It is further submitted that the dispute was with regard to a pathway which is used by the rival parties for ingress and egress into their respective properties. It is further submitted by the learned counsel that several cases are pending before the Civil and Criminal Courts between the parties. It is pointed out that the 2nd petitioner is a retired Army personnel and the 1st petitioner is a farmer . The learned Public Prosecutor has submitted that it was the 1st accused who had inflicted injuries using an iron rod.

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//

P.S. To Judge