

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 6062 of 2015 ()

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CRIME NO. 289/2015 OF KADAKKAVOOR POLICE STATION,
THIRUVANANTHAPURAM.**

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PETITIONERS/ACCUSED 10 AND 11:

- 1. SAJIN S.S., AGED 20 YEARS,
S/O. SALIM, KOONANVILA VEEDU,
VAKKOM, THIRUVANANTHAPURAM.**
- 2. SAJIN, AGED 19 YEARS,
S/O. SANTHOSH, MOTTAMOODU VEEDU,
VAKKOM, THIRUVANANTHAPURAM.**

BY ADV. SRI.J.JAYAKUMAR.

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.MADHU BEN.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

RAJA VIJAYARAGHAVAN V, J.

B.A.No.6062 of 2015

Dated this the 15th 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.10 & 11 in Crime No.289/15 of Kadakkavoor police station. The said crime has been registered under S.143, 147, 148, 149, 324, 323 and S.308 of the IPC.

3. The prosecution case is that on 13.03.2015 at 8.15 p.m., 6 named persons had attacked the de facto complainant with weapons like chopper, iron rod and a piece of stone. As a result, the informant had sustained injuries on his forehead and eye-brow.

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

5. The learned counsel for the petitioners relying on Annexure A1 FIR has pointed out that the informant had given a statement before the Sub Inspector of Police, Kadakkavoor police station at 5 p.m. on 14.03.2015. In his First Information Statement, the first informant has named Naufal, Shameer, Anas, Sreejith, Iqbal and Asif as the persons who had assaulted him on 13.03.2015 at 8.15 p.m. There is no whisper anywhere in the First Information Statement that any other person had occasion to inflict injuries on the first informant. According to the learned counsel appearing for the petitioners, it is evident that the implication of the petitioners at a later point of time is nothing, but an after thought. It is also pointed out that based on the statement of one Sibi, Crime No.303/2015 has been registered on 18.03.2015 against the informant and

others in respect of the incident which had occurred at the same place and time.

6. The learned Public Prosecutor has vehemently opposed the application for anticipatory bail and has contended that the informant had sustained injuries on his forehead and scalp.

7. After having gone through the materials and also Annexure A1 and Annexure A2 and the failure of the first informant to mention the role played by any other person other than the persons named in the FIR, I am of the view that the petitioners have made out a prima facie case for grant of anticipatory bail.

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.**

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[True copy]

P.A to Judge