

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

Bail Appl..No. 6258 of 2015 ()

CRIME NO. 342/2015 OF THALAPPUZHA POLICE STATION, WAYANAD DISTRICT.

PETITIONERS/ACCUSED:

- 1. JOHN BRITTO A.P., AGED 22 YEARS,
S/O.PIOUS, ARESSERIL HOUSE, ARTHUNKAL. P.O.,
CHERTHALA, ALAPPUZHA DISTRICT.**
- 2. YADUN LAL C.V., AGED 19 YEARS,
S/O.SURENDRAN, VADASSERI, MATHIL. P.O.,
PAYYANNUR, KANNUR.**
- 3. VISWAR, AGED 22 YEARS,
S/O.KRISHNAN P., PALAKKAPARAMBIL HOUSE,
KADAMBADE. P.O., PANDALLUR, MANJERI,
MALAPPURAM DISTRICT.**
- 4. SHIBIN C.S., AGED 19 YEARS,
S/O.CHANDRAN E.K, EDAYIL KANDATHIL HOUSE,
PLAYI, PUTHARIYADUKKAM. P.O.,
NILESHWARAM, KASARAGOD.**
- 5. NIBU KRISHNAN, AGED 22 YEARS,
S/O.BALAKRISHNAN, MANJATHUVAPPIL HOUSE,
KANDOTHAR, MATHAMANGALAM P.O.,
M.M. BAZAR VIA., KANNUR DISTRICT.**
- 6. ASHWIN KUMAR .K., AGED 18 YEARS,
S/O. SURESHKUMAR V., KANAVEEDU, PALIYERI,
KARIVELLUR. P.O., PAYYANNUR, KANNUR.**
- 7. ANUMOD. K., AGED 26 YEARS,
S/O.KRISHNAN. K., KALLAYIMANAL HOUSE,
KOTTANAD. P.O, MEPPADI, WAYANAD DISTRICT.**

**BY ADVS.SRI.K.S.ARUN KUMAR,
SMT.RESMI THOMAS,
SRI.P.A.VIBIN.**

Bail Appl..No. 6258 of 2015

RESPONDENT/STATE/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A. No.6258 of 2015

Dated this the 21st day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 1 to 7 in Crime No.342 of 2015 of Thalappuzha Police Station registered alleging offences punishable under Sections 143, 147, 148, 341, 324 and 308 of the Indian Penal Code. They seek pre-arrest bail.

3. Prosecution case is that the petitioners, who are students in the Model Engineering College, Wayanad, on 17.09.2015 attacked the defacto complainant in connection with the college day celebration and the first petitioner used a granite piece to hit the defacto complainant.

4. Heard both sides.

5. Learned Prosecutor opposed the bail application. It is alleged that the first petitioner alone used a piece of granite stone to attack the defacto complainant. The injuries are not very serious.

Considering the nature of allegations, I am inclined to grant pre-arrest bail to the petitioners with following conditions:

i. Petitioners shall surrender before the investigating

officer within a period of two weeks and submit themselves for interrogation. Thereafter each one of them shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, they shall be released on bail in Crime No.342 of 2015 of Thalappuzha Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Either of the parent shall be an additional surety irrespective of the solvency.

iv. Petitioners shall appear before the investigating officer on all Saturdays between 9.00 and 10.00 a.m. until final report is filed and co-operate with the investigation in the matter.

v. They shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

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