

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

Bail Appl..No. 6329 of 2015

CRIME NO. 2148/2015 OF KUNDARA POLICE STATION , KOLLAM DISTRICT

PETITIONER(S)/ACCUSED :

1. SHIBU, AGED 38 YEARS,
S/O.GOPINATHAN, THEDATHUVILA, MULAVANA P.O.,
PERAYAM, MULAVANA VILLAGE, KOLLAM DISTRICT.
2. JINOY, AGED 30 YEARS,
S/O.MATHAI, JINOY BHAVAN, PERAYAM,
MULAVANA VILLAGE, KOLLAM DISTRICT.
3. VISHNU, AGED 25 YEARS,
S/O.SAMBAN, S.R.NIVAS, PERAYAM,
MULAVANA VILLAGE, KOLLAM DISTRICT.

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT(S) :

**STATE OF KERALA,
THROUGH THE S.I OF POLICE, KUNDARA POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.BINDU GOPINATH

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

Msd.

BABU MATHEW P. JOSEPH, J.

B.A. No. 6329 of 2015

Dated this the 11th day of November, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C for anticipatory bail.

2. Heard the learned counsel appearing for the petitioners and the learned public prosecutor appearing for the respondent. C.D. produced.

3. The petitioners are accused 1 to 3 in Crime No.2148 of 2015 of Kundara Police Station. The offences alleged are under Sections 341 and 324 read with Section 34 of the Indian Penal Code and under Section 27 of the Arms Act. Learned counsel for the petitioners submits that the petitioners are innocent of the allegations raised against them. They have no criminal antecedents. The investigation of the case is almost over. The custodial interrogation of the petitioners is not required. She

further submits that the petitioners apprehend arrest by the police at any time.

4. Learned public prosecutor has opposed this petition. She admits the fact that the investigation of the case has progressed much. She further submits that no criminal antecedents have been reported against the petitioners. On considering the facts and circumstances, stage of the investigation and the fact that no criminal antecedents have been reported against the petitioners, this Court is of the view that the petitioners can be granted anticipatory bail imposing appropriate conditions.

5. Therefore, the petitioners are granted anticipatory bail subject to the following conditions:

1. The petitioners shall surrender before the Investigating Officer on or before 19.11.2015. In the event of their arrest, they shall be released on bail on their executing bonds for ₹25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

2. 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 or her from disclosing such facts to the Court or to any Police Officer.
3. The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.
4. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
5. The petitioners shall not commit any similar offence while on bail.
6. The petitioners shall not leave India without the previous permission of the concerned Magistrate's Court.

This petition is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE