

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

Bail Appl..No. 6311 of 2014 ()

CRIME NO. 1914/2014 OF CHAVARA POLICE STATION,KOLLAM DISTRICT

PETITIONER(S)/ACCUSED NOS.1 TO 8, 10 AND NOT ARRAYED AS ACCUSED :

1. ANIL KUMAR, S/O.ASHOKAN, AGED 32 YEARS,
ANIL MANDIRAM, PONMANA P.O.,CHAVARA, KOLLAM.
2. SUNIL KUMAR, S/O.SUNDARESHAN,AGED 34 YEARS,
THOPPIL THEKKATHIL, PONMANA P.O.,CHAVARA, KOLLAM.
3. VYSAKH, S/O.JAYADEVAN, AGED 25 YEARS,
KANNEETTA THEKKATHIL, PONMANA P.O.,CHAVARA, KOLLAM.
4. MAHESH, S/O.BAHULEYAN, AGED 19 YEARS,
MAHESH BHAVANAM, PONMANA P.O.,CHAVARA, KOLLAM.
5. PRASANTH, S/O.CHANDRABHANU,AGED 26 YEARS,
PAITHALA KIZHAKKATHIL, PONMANA P.O., CHAVARA, KOLLAM.
6. AJITH, S/O.GANESHAN,AGED 30 YEARS,
ANEESH BHAVANAM, PONMANA P.O.,CHAVARA, KOLLAM.
7. JAYAN, S/O.JAYADEVAN, AGED 34 YEARS,
MANIYANKULATHU VADAKKATHIL, PONMANA P.O.,
CHAVARA, KOLLAM.
8. ANEESH,S/O.OMANAKUTTAN, AGED 27 YEARS,
ANEESH BHAVAN, PONMANA P.O., CHAVARA, KOLLAM.
9. GOPAKUMAR,
S/O.RAMACHANDRAN PILLAI, AGED 28 YEARS, GOPALAYAM,
PALODU,EDAPPALLYCOTTA P.O, CHAVARA, KOLLAM.
10. MAHESH, S/O.MOHANAN,AGED 31 YEARS,
MAHESH BHAVANAM, NELLIYADU,
PANMANA, MANAYIL P.O, CHAVARA, KOLLAM.
11. ANEESH,S/O.VIJAYAN NAIR, AGED 30 YEARS,
KOCHUVEETIL PADEETTATHIL,
KUMALATHERU BHAGOM, PANMANA, MANAYIL P.O.,
CHAVARA, KOLLAM.

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12. ANEESH,
S/O.KRISHNANKUTTY PILLAI,AGED 27 YEARS,
ANEESH BHAVAN,PALACKAL,THEVALAKKARA P.O,
KOLLAM.

13. REGHU, S/O.NARAYANAN, AGED 28 YEARS,
PANDAMKUZHY, PALAKKAL,
THEVALAKKARA P.O, KOLLAM.

BY ADVS.SRI.K.SIJU
SMT.BINDU GEORGE

RESPONDENT :

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

BY PUBLIC PROSECUTOR SRI.GITHESH.R

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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BABU MATHEW P. JOSEPH, J.

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B.A.No. 6311 of 2014

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Dated this the 29th day of May, 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 1 to 8 are accused 1 to 8 and the 9th petitioner is the 10th accused in Crime No.1914 of 2014 of Chavara Police Station. The offences alleged are under Sections 143, 147, 148, 341, 294(b), 323, 324, 427 and 506(ii) read with Section 149 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 in this case. The petitioners 10 to 13 are not so far made accused in this case. But, they also apprehend arrest by the police as the police came to their houses in connection with this

case. The investigation of the case is almost over. The custodial interrogation of the petitioners is not required in this case. The investigating agency has no case that the de facto complainant has sustained any serious injury. She further submits that the petitioners apprehend arrest by the police at any time.

4. Learned Public Prosecutor has opposed this petition. The Case Diary shows that the investigation of the case has progressed much. Learned Public Prosecutor submits that the sword involved in the occurrence has already been recovered. The only offence which is non bailable alleged against the accused is under Section 27 of the Arms Act. On considering the facts and circumstances and the stage of the investigation, this Court is satisfied 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 06.06.2015. 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 application is allowed as above.

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**

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P.A. TO JUDGE