

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

Bail Appl..No. 6392 of 2015

CRIME NO. 768/2015 OF THUMBA POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED 1 AND 3 :

- 1. SHYJU BABU, AGED 21 YEARS,
S/O.BABU PAUL, THAIVILAKAM HOUSE, VALIYAVELI P.O.,
THIRUVANANTHAPURAM.**
- 2. ABHRAHAM K. JOHNSON, AGED 24 YEARS,
S/O.K.A.JOHNSON, ALVIN HOUSE, T.C 33/890(8),
KOCHUVELI, TITANIUM P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.AJITH KRISHNAN

RESPONDENT(S) :

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

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A No.6392 of 2015

Dated this the 18th day of November, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused Nos. 1 and 3 in Crime No.768 of 2015 of Thumba Police Station registered for offences punishable under Sections 294(b), 323, 326 and 324 r/w Section 34 I.P.C. There are three accused in the case.

3. On 12-09-2015 at about 2.00 p.m., the defacto complainant allegedly under the influence of alcohol misbehaved towards a woman. The accused persons questioned the act of the defacto complainant and brought him to a church. They wanted the defacto complainant to be handed over to police. During this scuffle, the incident occurred is the case of the petitioner. Whereas the prosecution would contend that the petitioners with a previous hostility towards the defacto complainant attacked him. The first petitioner attacked him with bare hands and the second petitioner attacked him with an iron block. The case of the defence that one Mefin, who was under the influence of some drugs created the

problem is not supported by the report submitted by the investigating officer.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. Considering the nature of allegations, I am not inclined to grant pre-arrest bail to second petitioner, who allegedly used a weapon in the incident. First petitioner has not used any weapon as per the averments in the first information statement. Hence, following direction :

Bail application in so far as the second petitioner is concerned will stand dismissed. Considering the facts and circumstances, bail is granted to the first petitioner with following directions :

1. First petitioner shall surrender before the investigating officer within a period of two weeks from today and submit himself for interrogation. In that event, he shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the

like sum to the satisfaction of the Investigating Officer.

2. The sureties shall produce documents to establish their identity and solvency. The Investigating Officer need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. Petitioner shall appear before the Investigating Officer as and when directed.
4. Petitioner shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

P.A to Judge

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