

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

Bail Appl..No. 6348 of 2014 ()

**CRIME NO. 345/2014 OF ANCHUTHENGU POLICE STATION,
THIRUVANANDAPURAM**

PETITIONERS/ACCUSED NO 6 TO 10 :

- 1. TREESA ROBINSON
W/O.ROBINSON, BLUE DALE, ERAVIPURAM
KOLLAM (A6)**
- 2. SHIRLY JOSE, AGED 47 YEARS,
PALATTIL, THURAVOOR, ANGAMALY, ERNAKULAM (A7)**
- 3. ROBINSON, AGED 63 YEARS,
BLUE DALE, ERAVIPURAM , KOLLAM (A8)**
- 4. AJI PAUL, AGED 33 YEARS,
S/O. PAUL, ST.JUDE HOUSE, ARAVILA
KAVAND, KOLLAM (A9)**
- 5. ROBIN, AGED 26 YEARS,
S/O.SHERLY,PALATTIL, THURAVOOR,
ANGAMALY, ERNAKULAM (A10)**

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 31**
- 2. SUB INSPECTOR OF POLICE
ANCHUTHENGU POLICE STATION, TRIVANDRUM 695 001**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

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B.A. No. 6348 of 2014

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Dated this the 25th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are A6 to A10 respectively in Crime No.345/2014 of the Anchuthengu Police Station registered for the offences punishable under Sections 143, 147, 148, 149, 323, 324, 326 and 308 read with Section 149 IPC.

3. There was a dispute with regard to the property at Anchuthengu in between the de facto complainant on the one part and A6 to A10 on the other part. It is alleged that A6 to A10 have employed a 'gunda gang' of which A1 to A5 who are the members, to settle scores with the de facto complainant. When the measurement of the property in question was going on, at the instance of an Advocate Commissioner appointed by the court, it is alleged that the de facto complainant, his wife and others were attacked and severely beaten up by A1 to A9. It is alleged that the

9th accused beat the de facto complainant with a hammer below his right eye, thereby causing a serious injury. Again, with a wooden stick, A9 inflicted blows repeatedly on the leg of the de facto complainant, whereby he sustained the fracture of his left fibula. A8, with a wooden stick, hit on the head of one Kasmal, who is a neighbour of the de facto complainant, whereby he also sustained a severe injury on his head. It is alleged that A6 and A7 had attacked the wife of the de fact complainant.

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

5. The contents of the C.D *prima facie* reveal the complicity of petitioners 1 to 4 (A6 to A9). No overt acts are alleged against A10. It is specifically alleged that A8 and A9 have caused very serious injuries by using weapons. At the same time, the only allegation against A6 and A7 is that they had attacked the wife of the de facto complainant. On going through her wound

certificate, it seems that she has suffered only two contused abrasions. The main overt acts are alleged against A8 and A9. Considering the seriousness of the allegations against A8 and A9, I am of the view that they are not entitled to the discretionary relief of anticipatory bail. At the same time, anticipatory bail can be granted to A6, A7 and A10.

6. In the result, this bail application is allowed in part and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners 1, 2 and 5 (A6, A7 and A10) on bail in the event of their arrest on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

- (i) The said petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays, commencing from

01.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The said petitioners shall not tamper with the evidence or influence witnesses.

(iii) The said petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The said petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

This petition so far as it relates to A8 and A9, is dismissed.

Sd/-
B.KEMAL PASHA, JUDGE

stu

//True copy//

P.Ato Judge