

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Bail Appl..No. 6447 of 2015

CRIME NO. 425/2015 OF MARAYOOR POLICE STATION , IDUKKI DISTRICT

PETITIONER(S)/ACCUSED :

- 1. SURESH, AGED 31 YEARS,
S/O.KANNASWAMI, HOUSE NO.202, PARADIPALLAM,
KEEZHANTHOOR VILLAGE, DEVIKULAM TALUK.**
- 2. KUTTAN, AGED 28 YEARS,
S/O.SELVARAJ, HOUSE NO.144, PARADIPALLAM,
KEEZHANTHOOR VILLAGE, DEVIKULAM TALUK.**
- 3. MANI, AGED 25 YEARS,
S/O.SUBBAYYA, HOUSE NO.841, PLAUS NAGAR,
PARADIPALLAM, KEEZHANTHOOR VILLAGE, DEVIKULAM TALUK.**
- 4. KUMAR, AGED 25 YEARS,
S/O.PONNUSWAMI, HOUSE NO.863, PLAUS NAGAR,
PARADIPALLAM, KEEZHANTHOOR VILLAGE, DEVIKULAM TALUK.**
- 5. SREE, AGED 18 YEARS,
S/O.R.KANNAN, HOUSE NO.307, PERIYACANAL ESTATE,
NEW DIVISION, CHINNAKKANAL VILLAGE, DEVIKULAM TALUK.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT(S)/STATE :

- 1. STATE OF KERALA, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 031,
(CRIME NO.425/2015 OF MARAYOOR POLICE STATION,
IDUKKI DISTRICT).**
- 2. STATION HOUSE OFFICER,
MARAYOOR POLICE STATION, IDUKKI DISTRICT - 685 620
(CRIME NO.425/2015 OF MARAYOOR POLICE STATION
IDUKKI DISTRICT)**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

B. SUDHEENDRA KUMAR, J.

B. A. No. 6447 of 2015

Dated this the 19th day of October, 2015

O R D E R

The petitioners are accused Nos. 1 to 5 in Crime No.425/2015 of Marayoor Police Station registered under Sections 143, 144, 147, 148, 324 and 307 read with Section 149 IPC.

2. The prosecution allegation is that, on 29.08.2015 at 7 p.m., the petitioners and eight other identifiable persons formed themselves into an unlawful assembly and beat Mohanachandran, who was the member of the Cricket Tournament Committee, on his head and face with a wheel spanner, causing serious injuries on him. When the defacto complainant tried to intervene, he was also attacked by the petitioners with a broken bear bottle causing injuries to his left palm.

3. The petitioners have filed this application under Section 438 Cr.P.C.

4. Heard.

5. The learned Public Prosecutor vehemently opposed the application as regards the 1st petitioner stating that, the 1st petitioner used a wheel spanner to inflict very serious injuries to the skull of the Mohananchandran. There is no specific overtact

against the other petitioners. The petitioners are not involved in any other offence. The recovery has to be effected from the 1st accused. However, there is no specific overtact against the other petitioners. They are also not involved in any other offence of similar nature.

6. Considering the facts and circumstances of the case, I am of the view that this is a fit case where petitioner Nos.2 to 5 can be granted the relief under Section 438 Cr.P.C.

In the result, this application stands dismissed as regards the 1st petitioner and allowed as regards petitioners 2 to 5. and the respondent is directed to release petitioner Nos. 2 to 5 on bail in the event of their arrest in connection with Crime No. 425/2015 of Marayoor Police Station, on condition of each of the petitioners 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 Sub Inspector of Police Marayoor Police Station, before whom the petitioner shall surrender within 10 days from today, if not already arrested and subject to the following further conditions:

- (i) The petitioners shall report before the

Investigating Officer on every Monday between 9.00 a.m. and 11 am. for three months and thereafter as and when required by the Investigating Officer in writing.

(ii) The petitioners shall not get involved in any offence while on bail.

(iii) The petitioners shall not intimidate or influence the witnesses or in any way temper with the investigation.

Sd/-

B. SUDHEENDRA KUMAR, JUDGE.

/true copy/

P. A. to Judge