

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Bail Appl..No. 6456 of 2015 ()

CRIME NO. 1833/2015 OF ARANMULA POLICE STATION, PATHANAMTHITTA DISTRICT

PETITIONER(S)/ACCUSED NO. NOT KNOWN:

1. SANTHOSH M.R., S/O.RAJAN,
MUNJANATTU HOUSE, NARANGANAM WEST,
KOZHENCHERRY, PATHANAMTHITTA.
2. SATHEESH KUMAR, S/O.RAJAN,
K.S.H.B.COLONY, KOZHENCHERRY EAST,
PATHANAMTHITTA.
3. MANOJ.R,
PERUMETTU PUTHEN VEEDU, KATTOOR P.O.,
KOZHENCHERRY, PATHANAMTHITTA.
4. ARUN KUMAR,
PALLIYAMBIL, NARANGANAM WEST,
KOZHENCHERRY, PATHANAMTHITTA.

BY ADVS.SRI.S.RAJEEV
SRI.S.NIDHEESH

RESPONDENT :

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.PIN- 682 031.

BY PUBLIC PROSECUTOR SMT. R.REMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

sts

A.HARIPRASAD, J.

B.A.No.6456 of 2015

Dated this the 17th day of November, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Prosecutor submitted that petitioners are accused Nos.1 to 3 in Crime No.1833 of 2015 of Aranmula Police Station registered for the offences punishable under Sections 341, 323, 324, 294(b), 308 and 120B r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that on 05.10.2015 at about 08.30 p.m., the petitioners 1 to 3 along with father of the 1st petitioner attacked the defacto complainant and the petitioners 1 and 2 used swords for causing injuries.

4. Heard both sides.

5. Learned Public Prosecutor submitted that the 4th petitioner is not arrayed as an accused in the case. The submission is recorded. Bail application in respect of this petitioner will stand dismissed. Insofar as other petitioners are concerned, they accused in the crime. Prosecutor

submitted that recovery has to be effected by taking the accused persons in custody.

6. Learned counsel for the petitioners submitted that there are 3 crimes registered at the instance of the petitioners against the defacto complainant and others. One of the crimes is pertaining to the burning of the residential building of the defacto complainant and the other one is in respect of causing destruction to the catering service run by the petitioners. It is also the contention of the petitioners that Aranmula Police was unduly siding and favouring the accused in the other crimes (the defacto complainant in this case) against which the petitioners have preferred complainants to higherups in the Police department. Irated by the complainant filed by the petitioners against the Police Officers in Aranmula Police Station, they take a hostile attitude towards the petitioners.

7. Considering the nature of allegations, I am of the view that following directions will suffice:

(a) Petitioners shall surrender before the

Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on executing a bond 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.

- (b) The petitioners shall appear before the Investigating Officer as and when directed for the purpose of interrogation.
- (c) The petitioners shall co-operate with the investigation of the case.
- (d) The petitioners shall not intimidate or attempt to influence the witnesses.
- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) The petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-

A.HARIPRASAD, JUDGE.

AS

/True copy/

P.A. to Judge