

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

Bail Appl..No. 6623 of 2015

CRIME NO. 593/2015 OF NARUVAMOODU POLICE STATION, THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED 1 TO 4:

1. SURESH KUMAR R.S., AGED 33 YEARS,
S/O.BHUVANACHANDRAN, MANNARMUTTOOM, AYANIMOODU,
VEDIVACHANKOIL.PO, THIRUVANANTHAPURAM.
2. PIKKY, AGED 25 YEARS,
S/O.BHUVANACHANDRAN, MANNARMUTTOOM, AYANIMOODU,
VEDIVACHANKOIL PO, THIRUVANANTHAPURAM.
3. VINUKUMAR, AGED 40 YEARS,
S/O.THANKAPPAN, MANNARMUTTOOM, AYANIMOODU,
VEDIVACHANKOIL.PO, THIRUVANANTHAPURAM.
4. KUMAR, AGED 41 YEARS,
S/O.APPU, MANNARMUTTOOM, AYANIMOODU,
VEDIVACHANKOIL. PO, THIRUVANANTHAPURAM.

BY ADV. SRI.MANU V.

RESPONDENT(S)/COMPLAINANT STATE AND INVESTIGATING OFFICER:

1. STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
AT THE HIGH COURT OF KERALA,
AT ERNAKULAM-682031.
2. THE SUB INSPECTOR OF POLICE,
NARUVAMOODU POLICE STATION, NARUVAMOODU,
THIRUVANANTHAPURAM-695 001.

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

A.HARIPRASAD, J.

B.A. No.6623 of 2015

Dated this the 3rd day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Accused 1 to 4 in Naruvamoodu Police Station Crime No.593 of 2015 registered for offences punishable under Sections 341, 294(b), 323, 326 and 308 read with Section 34 of the Indian Penal Code are the petitioners. They seek pre-arrest bail.

3. Prosecution case is that on 28.08.2015 at about 10.30p.m., while the defacto complainant and others were making arrangements for Onam celebrations, the petitioners attacked them by uttering obscene words. First petitioner attacked the defacto complainant by using a stick which caused fracture of metacarpal bone of hand. Other accused were present there at the time of attack.

4. Heard both sides.

5. Learned Prosecutor submitted the first petitioner used the weapon and he is involved in other offence also.

According to the prosecution, insofar as petitioners 2 to 4 are concerned, their presence alone is alleged. Considering the nature of allegations, I am not inclined to grant pre-arrest bail to the first petitioner.

Insofar as petitioners 2 to 4 are concerned, following order is passed:

i. Petitioners 2 to 4 (accused 2 to 4) shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation. Thereafter each one of them shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, they shall be released on bail in Crime No.593 of 2015 of Naruvamoodu Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioners 2 to 4 shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. They shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioners 2 to 4 as if no order is passed.

A. HARIPRASAD, JUDGE.

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