

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Bail Appl..No. 6663 of 2014 ()

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CRIME NO. 926/2014 OF KILIMANOOR POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**

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PETITIONERS/ACCUSED 2 & 3:

- 1. VIPIN RAJ, S/O. RAJU, AGED 26 YEARS,
VILAYIL VEEDU, PEDIKULAM,
PULIMATH P.O., THIRUVANANTHAPURAM.**
- 2. VINESH, S/O. VIJAYAKHOSH, AGED 26 YEARS,
KOLLAMVILAKATH VEEDU, PLAVODU,
PULIMATH, THIRUVANANTHAPURAM.**

BY ADV. SRI.SAJU.S.A.

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.GITHESH. R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

SUNIL THOMAS, J.

B.A. No.6663 OF 2014

Dated this the 25th day of June, 2015

O R D E R

The applicants are the accused Nos. 2 & 3 in Crime No. 226/2014 of Kilimanoor Police Station, Thiruvananthapuram, for offences punishable under Sections 143,147, 148,149,452,324,354, 427 IPC.

2. The allegation of the prosecution is that pursuant to an enmity arising out of a transaction, which the first accused had with the de facto complainant, he, in combination with the 2nd and 3rd accused physically attacked the de facto complainant on 19/7/2014. It is alleged that the first accused used an iron rod, the second accused cadjan stick and the 3rd accused back side of the chopper. The complaint was laid, pursuant to which crime was registered. Apprehending arrest, 2nd and 3rd accused have sought for pre -arrest bail.

3. Heard the learned counsel for the petitioners and the learned public Prosecutor.

3. The main dispute is between the first accused and the de facto complainant. It is seen that the overact alleged against the 2nd and 3rd accused are comparatively minor in nature, than that of the first accused who allegedly used iron rod. However, it is also on record that the weapon seized as per the mahazar is a plastic rod.

Even though overacts are alleged against 2nd and 3rd accused, no serious corresponding injuries are seen on the body of the de facto complainant. It is seen that the weapon used by the 2nd accused is recovered from the spot. Though the use of a chopper is alleged, corresponding injuries are not seen on the body of the de facto complainant. The Petitioners are also not involved in any other previous crime.

4. Considering the above facts, I am of the view that a lenient view can be taken and pre-arrest bail can be granted to the Petitioners subject to the following conditions:

i). Both the applicants shall appear before the investigating officer on 3/7/2015 between 9 and 10 a.m.. They shall undergo interrogation and thereafter in the event of their arrest, they shall be released on bail on each of the applicant executing a bond for a sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties for the like sum each.

ii). They shall not interfere in the process of investigation and shall not threaten, coerce or intimidate the witness.

Iii). They shall appear before the Investigating Officer as and when called for.

The petition is allowed as above.

Sd/-

SUNIL THOMAS
Judge

dpk

/true copy/ PS to Judge.

