

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

Bail Appl..No. 6733 of 2015 ()

**CRIME NO. 1770/2015 OF THIRUVALLA POLICE STATION,
PATHANAMTITTA DISTRICT**

APPLICANTS :

- 1. VIVEK, AGED 23 YEARS,
S/O. VIJAYAN, CHARUVIL VRINDHAVANAM COLONY,
THAIMARAVINGARA, KOTTOOR, THIRUVALLA.**
- 2. VINEETH, AGED 19 YEARS,
S/O. VIJAYAN, CHARUVIL VRINDHAVANAM COLONY,
THAIMARAVINGARA, KOTTOOR, THIRUVALLA.**

**BY ADVS.SRI.MVS.NAMBOOTHIRY
SRI. JAYAPRAKASH. N**

RESPONDENT :

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

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.6733 of 2015

Dated this the 21st day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioners accused 7 and 8 in Crime No.1770 of 2015 of Thiruvalla Police Station registered alleging offences punishable under Sections 341, 323, 324 and 307 of the Indian Penal Code. They seek pre-arrest bail.

3. Gist of allegations is that the accused persons are the relatives of defacto complainant's friend Monisha. They with an intention to kill the defacto complainant, on 29.07.2015 at 22.00 hours, waylaid him and the first accused attacked him with an iron rod. Second accused stabbed the defacto complainant and accused 3 to 5 kidnapped him in a vehicle and attacked with dangerous weapons.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that neither in the first information statement nor in the subsequent report submitted by

the Police, these petitioners were named.

6. Learned Prosecutor submitted that petitioners' complicity was revealed later. They also attacked the defacto complainant is the prosecution case.

Considering the nature of allegations, I am of the view that custodial interrogation of the petitioners is not necessary. Hence the following order:

i. Petitioners 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.1770 of 2015 of Thiruvalla 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 shall appear before the investigating officer as and when directed 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 as if no order is passed.

A. HARIPRASAD, JUDGE.

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