

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Bail Appl..No. 6772 of 2015 ()

CRIME NO. 840/2015 OF CHERANALLOOR POLICE STATION, ERNAKULAM DISTRICT

PETITIONERS/ACCUSED NOS. 1 & 2 :

- 1. SINOY PETER, AGED 34 YEARS
S/O.PETER, CHARAMKULATHU HOUSE, MOOLAMPILLY
KADAMAKUDY P.O., ERNAKULAM.**
- 2. JOHN BIJOY,
S/O.STANLEY, AGED 28 YEARS
THITTAYIL HOUSE, MOOLAMPILLY
KADAMAKUDY P.O., ERNAKULAM.**

**BY ADVS.SRI.GEO PAUL
SRI.SANU MATHEW
SRI.RADHIKA RAJASEKHARAN P.
SRI.C.R.PRAMOD
SRI.S.ASHOK KUMAR.
SRI.LENIN P. SUKUMARAN
SRI.JERRY VARGHESE
SRI. SREENATH S.**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
THROUGH SUB INSPECTOR OF POLICE
CHERANALLOOR POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. ABDUL KAREEM

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.6772 of 2015

Dated this the 29th day of October, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 in Crime No.840 of 2015 of Cheranalloor Police Station registered for offences punishable under Sections 341, 323, 324, 326 and 294(b) r/w Section 34 I.P.C.

3. Prosecution case, in short, is that accused Nos. 1 to 3 was inimical towards the defacto complainant. He is driving Uber taxi. It appears that the dispute is on account of professional rivalry between accused (taxi drivers) and the uber taxi drivers. The incident was on 07-10-2015 at about 10.00 a.m.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor. Perused the case diary.

5. Learned counsel for the petitioners submitted that the prosecution case itself is incorrect. The petitioners are not

involved in any offence. Petitioners are taxi drivers. There is an ongoing dispute between the ordinary taxi drivers and uber taxi drivers. In connection with that dispute, a false case has been foisted on them.

6. Learned Public Prosecutor opposed the bail application contending that the defacto complainant sustained extensive injuries in the incident. On the date of occurrence, he came to the hospital not as a taxi driver, but as a patient for consulting a doctor. Without regard to his health condition, he was attacked by the petitioners. Considering the nature of allegations, I am not inclined to grant pre-arrest bail to the petitioner. Hence, following directions are issued :

The petitioners shall surrender before the Investigating Officer within a period of one week from today and submit themselves for interrogation. Thereafter, they shall be produced before the learned Magistrate having

jurisdiction on the same day. The petitioners are free to move for regular bail before the court below. In that event, the application shall be considered on merits as expeditiously as possible. If petitioners do not surrender in the stipulated time, the Investigating Officer is free to arrest them as if no order is passed in this matter.

amk

Sd/-
A.HARIPRASAD,
JUDGE.
//True copy//

P.A to Judge