

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Bail Appl..No. 6798 of 2015 ()

CRIME NO. 1490/2015 OF KILIMANOOR POLICE STATION, THIRUVANANTHAPURAM

PETITIONER(S)/1ST AND 2ND ACCUSED:

- 1. HARISANKAR, AGED 39 YEARS,
S/O.SANKARA PILLAI, SREENIKETHAN, THATTATHUMALA P.O.,
PAZHAYAKUNNUMMAL VILLAGE, KILIMANOOR.**
- 2. SHIYAM, AGED 47 YEARS,
S/O.ABDULLA, A.S.VILLA, PUTHIYAKAVU,
KILIMANOOR P.O., KILIMANOOR VILLAGE.**

**BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN**

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No.6798 of 2015

Dated this the 19th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 1 and 2 in Crime No.1490 of 2015 of Kilimanoor Police Station booked for offences punishable under Sections 452, 294(b), 323, 506(i) and 427 read with Section 34 of the Indian Penal Code. They seek pre-arrest bail.

3. Prosecution case is that the first petitioner is the owner of a building. The defacto complainant is the employee of his tenant. It is the case that the petitioners trespassed into the building and attacked the defacto complainant.

4. Heard both sides.

Considering the nature of allegations, I am of the view that no custodial interrogation is necessary in this case. 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.1490 of 2015 of Kilimanoor 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. Each of the petitioners shall deposit ₹1,000/- (Rupees one thousand only) before the learned Magistrate having jurisdiction within a period of two weeks from the date of execution of bond.

iv. Petitioners shall appear before the investigating officer as and when directed and co-operate with the investigation in the matter.

v. 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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