

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

Bail Appl..No. 6843 of 2015 ()

**CRIME NO. 1108/2015 OF KODAL POLICE STATION,
PATHANAMTHITTA DISTRICT**

PETITIONERS/ACCUSED :

- 1. SARATH P SATHYAN @ SANAL, AGED 24 YEARS,
S/O SATHYAN, SARATH NILAYAM, PAKKANDAM
MURINJAKAL P.O., KODAL VILLAGE, KONNI TALUK,
PATHANAMTHITTA DISTRICT.**
- 2. ANIL KUMAR @ MURUKAN, AGED 34 YEARS,
S/O MUTHUSWAMY, ANIL BHAVAN, PAKKANDAM,
MURINJAKAL P.O., KODAL VILLAGE, KONNI TALUK,
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.JOHN MATHEW (THEREZHATH)
SRI.JOBIN JOHN**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A. HARIPRASAD, J.

Bail Appl. No.6843 of 2015

Dated this the 4th day of November 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.1 and 2 in Crime No.1108 of 2015 of Koodal Police station registered for the offences punishable under Secs.323, 324 and 308 read with Sec.34 of the Indian Penal Code. The prosecution allegation is that, on 27.09.2015 at about 12.30 p.m., the petitioners voluntarily caused hurt to the defacto complainant by slapping and biting on his face. Further, the 1st petitioner strangled the defacto complainant with a rubber string causing asphyxia. It is also alleged that the accused persons intended to commit culpable homicide of the defato complainant.

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

4. Learned counsel for the petitioners, relying on Annexure-A2 order passed by the learned Sessions Judge in the anticipatory bail application before the Court below, contended that the Sessions Judge doubted the

theory of asphyxiation by strangulating the defacto complainant by using a ligature.

5. The wound certificate is also produced for scrutiny. It shows that there was no ligature mark on the back side of neck indicating that pressure was applied only on the front side of the neck of the defacto complainant.

6. Learned counsel for the petitioner contended that this can be a self inflicted injury.

7. Learned Public Prosecutor submitted that a rubber wire had been recovered in this case.

Considering the nature of allegations and the nature of injury sustained, I am of the view that pre arrest bail can be granted to the petitioners with the following conditions.

1. The petitioners shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation.

2. In the event of arrest, the petitioners shall be released on their executing a bond for

Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

3. The petitioners shall appear before the Investigating Officer for interrogation as and when directed by him in writing.

4. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

5. The petitioners shall co-operate with investigation of the case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /