

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937H

Bail Appl..No. 6857 of 2015 ()

CRIME NO. 383/2015 OF ERAVIPURAM POLICE STATION, KOLLAM.

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PETITIONERS/ACCUSED:

- 1. DALAPPAN VICTOR, AGED 58 YEARS,
S/O.VICTOR, R/AT PARADISE, THANNI,
KOCHUTHOPPIL, THEKKUMBHAGAM CHERRY,
MAYYANAD P.O., ERAVIPURAM VILLAGE, KOLLAM- 691 303.**
- 2. AJU DALAPPAN, AGED 32 YEARS,
S/O.DALAPPAN, R/AT PARADISE, KOCHUTHOPPIL,
THANNI, THEKKUMBHAGAM CHERRY, MAYYANAD P.O.,
ERAVIPURAM VILLAGE, KOLLAM- 691 303.**
- 3. GEORGE JOHNY, AGED 55 YEARS,
S/O.JOHN, R/AT FISHERMEN COLONY, THANNI,
THEKKUMBHAGAM CHERRY, MAYYANAD P.O,
ERAVIPURAM VILLAGE, KOLLAM -691 303.**
- 4. JOHN, AGED 60 YEARS,
R/AT J.J. BHAAN, KATTIL PURAYIDOM, THANNI,
THEKKUMBHAGAM CHERRY, MAYYANAD P.O,
ERAVIPURAM VILLAGE, KOLLAM- 691 303.**
- 5. FREDINANT YUGIN @ FREDDY, AGED 55 YEARS,
R/AT FEBIN NIVAS, FISHERMEN COLONY, THANNI,
THEKKUMBHAGAM CHERRY, MAYYANAD P.O,
ERAVIPURAM VILLAGE, KOLLAM -691 303.**
- 6. DEEPU SIGNI, AGED 30 YEARS,
S/O.SIGNY, R/AT. DEEPALAYAM HOUSE,
ADICHAMMAN THOPPU, THANNI,
THEKKUMBHAGAM CHERRY, MAYYANAD P.O.,
ERAVIPURAM VILLAGE, KOLLAM- 691 303.**
- 7. JOHNSON SYRON, AGED 40 YEARS,
S/O.SYRON, R/AT. KOCHUMURY VEEDU, THANNI,
THEKKUMBHAGAM CHERRY, MAYYANAD P.O,
ERAVIPURAM VILLAGE, KOLLAM- 691 303.**

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**8. ALEXANDER ANDREWS & SOYAN, AGED 38 YEARS,
S/O.ANDREWS, MICHLE VILLA, KOCHUTHOPPU,
THANNI, THEKKUMBHAGAM CHERRY, MAYYANAD P.O.,
ERAVIPURAM VILLAGE, KOLLAM- 691 303.**

**9. NITHESH GOMEZ, AGED 32 YEARS,
VICAR, ST.MICHEL'S CHURCH, THANNI,
THEKKUMBHAGAM CHERRY, MAYYANAD P.O,
ERAVIPURAM VILLAGE, KOLLAM -691 303.**

**BY ADVS.SMT.T.S.MAYA (THIYADIL),
SMT.K.A.SUNITHA.**

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
(THE SUB INSPECTOR OF POLICE,
ERAVIPURAM POLICE STATION, PIN-691 011).**

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A No.6857 of 2015

Dated this the 16th day of November, 2015.

ORDER

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

2. Petitioners are accused in Crime No.383 of 2015 of Eravipuram Police Station registered for offences punishable under Sections 143, 147, 304, 447, 294(b), 323 and 506(ii) r/w Section 149 I.P.C.

3. The case arise out of a private complain filed before JFCM-II, Kollam. The matter was forwarded for investigation to police under Section 156(3) Cr.P.C.

4. Prosecution case, in short, is that the accused persons on account of ill will and hostility nurtured against deceased Benjamin called him on 15-01-2015 to a church and attacked him. Deceased Benjamin was a heart patient. They abused the deceased and physically assaulted him. It resulted in his fainting and consequent heart failure.

5. Heard the learned counsel for the petitioners and the

learned Public Prosecutor.

6. Learned counsel for the petitioners submitted that there was a property dispute between the deceased Benjamin and the Church. The accused never manhandled the deceased is the defence case. Learned Public Prosecution opposed the bail application. The case diary shows that the postmortem report of the exhumed body of the deceased Benjamin showed heart failure as cause of death. Considering the nature of allegations, I find that bail can be granted to the petitioners with following directions :

1. Petitioners shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. In that event, they shall be released on bail on executing a bond for Rs.25,000/- each (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency. The

Investigating Officer need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

- 3 Petitioners shall appear before the Investigating Officer as and when directed.
4. Petitioners shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

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

P.A to Judge