

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Bail Appl..No. 6878 of 2015

CRIME NO. 919/2015 OF PARASSALA POLICE STATION, THIRUVANANTHAPURAM.
.....

PETITIONER(S)/ACCUSED NO.5 & 4:

1. **SUNIL KUMAR, AGED 28 YEARS,
S/O.DEVADASAN, PERINKALAMPADDU,
KEEZHKOLLA, VATTAVILA.P.O., AMARAVILA,
NEYYATTINKARA-695 529.**
2. **SHIJU, AGED 27 YEARS,
S/O.MANIYAN, PALLIVIAL VEEDU, VATTAVILA.P.O.,
AMARAVILA, NEYYATTINKARA - 695 529.**

BY ADV. SRI.B.HARISH KUMAR

RESPONDENT(S)/COMPLAINANT:

1. **STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
2. **THE SUB-INSPECTOR OF POLICE,
PARASSALA POLICE STATION,
THIRUVANANTHAPURAM - 690 504.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

Bail Appl. No.6878 of 2015

Dated this the 13th day of November 2015

O R D E R

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

2. Petitioners are accused nos.5 and 4 respectively in Crime No.919 of 2015 of Parassala Police station registered for the offences punishable under Secs.143, 147, 148, 149, 341, 324, 326 and 308 of the Indian Penal Code and Sec.27 of the Arms Act. Prosecution case in short is that, on 15.07.2015, the accused persons on account of previous enmity towards the defacto complainant attacked him with sword and other weapons causing injuries to him.

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

4. Learned counsel for the petitioners submitted that this is the 2nd bail application filed by them for pre arrest bail. Earlier one filed by accused nos.1 to 5 together was dismissed by this Court as per order in B.A. No.5536 of 2015. It is submitted that there is change in

circumstance as there is no allegation that these petitioners used any weapon in the incident.

5. Learned Public Prosecutor after verifying the case diary submitted that the petitioners have not used any weapon in the incident and their custody may not be required for advancement of investigation.

Considering the nature of allegations and the gravity of offences, pre arrest bail is 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 his executing a bond for Rs.25,000/- (Rupees twenty five 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.

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 /

NS/13/11/2015

P.A. To Judge