

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. 6917 of 2015

**CRIME NO. 814/2015 OF MANGALAPURAM POLICE STATION,
THIRUVANANTHAPURAM.**
.....

PETITIONER(S)/ACCUSED NOS. 1,3 & 4:

- 1. AKHIL, S/O SUNIL, MANAKKATTIL VEEDU, KARICHARA,
MANGALAPURAM, THIRUVANANTHAPURAM.**
- 2. RAHUL, S/O RAJU, MANAKKATTIL VEEDU, KARICHARA,
MANGALAPURAM, THIRUVANANTHAPURAM.**
- 3. MANU, S/O MANIKANTAN, MANAKKATTIL VEEDU,
KARICHARA, MANGALAPURAM,
THIRUVANANTHAPURAM.**

BY ADV. SRI.LIJU. M.P

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
MANGALAPURAM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

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

mbr/

A.HARIPRASAD, J.

B.A No.6917 of 2015

Dated this the 19th day of November, 2015.

ORDER

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

2. Petitioners are accused Nos.1, 3 and 4 in Crime No.814 of 2015 of Mangalapuram Police Station registered for offences punishable under Sections 143, 147, 148, 149, 341, 294(b), 323, 324 and 308 I.P.C.

3. Prosecution case, in short, is that on 10-08-2015, the accused persons wrongfully restrained the defacto complainant and attacked him with granite piece, iron block etc. due to previous enmity.

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

5. Learned counsel for the petitioners contended that the petitioners have no connection with the incident. Further, there was an incident prior to this and to cover up that incident, a false case is registered. Learned Public Prosecutor opposed the bail application by contending that there are specific allegations that the first

petitioner (first accused) used a granite piece to cause three lacerated wounds on the scalp and forehead of the defacto complainant. Wound certificate shows prima facie the contention of the defacto complainant probable. Insofar as, petitioners 2 and 3 (accused Nos.3 and 4) are concerned, the case is that they only restrained the defacto complainant. Considering the nature of allegations, I am not inclined to grant pre-arrest bail to the first petitioner (first accused). His bail application will stand dismissed. Bail is granted to the petitioners 2 and 3 (accused Nos.3 and 4) with following directions :

1. Petitioners 2 and 3 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

amk