

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

Bail Appl..No. 6992 of 2015

CRIME NO. 985/2015 OF AYYAMPUZHA POLICE STATION, ERNAKULAM DISTRICT.
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PETITIONER(S)ACCUSED 2, 4 TO 7:

1. TONY, AGED 26 YEARS,
S/O.URUMEES, KOLAATUKUDY (H),
CHULLY, AYYAMPUZHA.
2. JINNY,, AGED 30 YEARS,
S/O.ANTHONY, KAVUNGA (H),
CHULLY, AYYAMPUZHA.
3. VINU, AGED 24 YEARS,
S/O.VIKRAMAN, VISHNU VIHAR,
NEDUMBASSERY.
4. PRASAD, AGED 33 YEARS, S/O.CHATHAN,
VAZHAVACHAPARAMBIL (H), ATHANI.
5. YADU, AGED 24 YEARS, S/O.MOORTHY,
APPANKUZHAY (H), KULATHUNGAMALY,
OKKAL.

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
(CRIME NO. 985/2015 OF AYYAMPUZHA POLICE STATION,
ERNAKULAM DISTRICT.**

BY PUBLIC PROSECUTOR SMT.R.REMA

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

mbr/

A.HARIPRASAD, J.

B.A. No.6992 of 2015

Dated this the 11th day of November, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioners are accused 2 and 4 to 7 in Crime No.985 of 2015 of Ayyampuzha Police Station registered for offences punishable under Sections 143, 147, 294(b), 341, 323, 324 and 308 read with Section 34 of the Indian Penal Code.

3. Prosecution case, in short, is that on 24.10.2015 at about 11.30 p.m., the accused persons as members of an unlawful assembly armed with deadly weapons attacked the defacto complainant.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the disputes arose on account of political differences of opinion.

6. Learned Prosecutor opposed the bail application contending that accused 2 and 4 in the crime are involved in five other cases including a proceeding under Section 107 of the Code of Criminal Procedure.

Having regard to the nature of allegations and the involvement

in other cases, I am not inclined to grant bail to petitioners 1 and 2 (accused 2 and 4). That part of the bail application will stand dismissed. Other accused persons remain in custody from 26.10.2015 onwards. Considering the stage of investigation, petitioners 3 to 5 are released on bail with following conditions:

i. Petitioner 3 to 5 shall be released on bail on executing a bond for ₹50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioners 3 to 5 shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.

iv. They shall not indulge in any offence while on bail.

v. They shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by petitioners 3 to

5, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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