

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

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

Bail Appl..No. 7106 of 2015

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CRIME NO. 714/2015 OF THUMBA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.
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PETITIONERS/ACCUSED 1 TO 5:

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- 1. SUJITH @ SUDEESH, AGED 30 YEARS,
S/O. SASIDHARAN, SHIJU BHAVAN, NEAR KAL PARK,
KULATHOOR, THIRUVANANTHAPURAM.**
 - 2. VIJITH, AGED 27 YEARS, S/O. VIJAYAN,
VIJITH MANDIRAM, NEAR SNDP OFFICE,
PULLUKADA, KULATHOOR WARD,
ATTIPRA VILLAGE, THIRUVANANTHAPURAM.**
 - 3. PRASAD, S/O. ANIRUDHAN, AGED 35 YEARS,
PADINJARE PANDIMOODU VEEDU, EDAYAR DWEEP,
CHUDUKADU BHADRAKALI TEMPLE, PACHALLOOR,
THIRUVANANTHAPURAM.**
 - 4. SAJITH @ UNNI, AGED 27 YEARS, S/O. SATHEESAN,
VILAYIL VEEDU, PULLU KADU JUNCTION,
THIRUVANANTHAPURAM.**
 - 5. PRASEED @ KANNAN, AGED 33 YEARS
S/O. THULASEEDARAN, PRASEED BHAVAN,
NEAR KACHANI SCHOOL, ARUVIKKARA,
THIRUVANANTHAPURAM.**

BY ADV. SRI.K.RAJESH KANNAN

RESPONDENTS:

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- 1. THE SUB INSPECTOR OF POLICE,
THUMBA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**
 - 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

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

mbr/

A. HARIPRASAD, J.

Bail Appl. No.7106 of 2015

Dated this the 16th day of November 2015

O R D E R

Bail application filed under Sec.439 Cr.P.C.

2. Petitioners are accused nos.1 to 5 in Crime No.714 of 2015 of Thumba Police station registered for the offences punishable under Secs.143, 147, 148, 149, 341, 324 and 307 of the Indian Penal Code and Sec.27 of the Arms Act. Prosecution case is that, the 3rd accused is engaged in illegal sand mining. He entertained enmity towards the defacto complainant for giving secret information to the Police about his illegal activities. With an intention to kill the defacto complainant, the accused persons, as members of an unlawful assembly, on 24.08.2015 at about 11.45 p.m., attacked the defacto complainant by using dangerous weapons like swords, chopper, axe, iron rod etc. The defacto complainant sustained very serious injuries including multiple fractures.

3. Heard the learned counsel for the petitioners

and the learned Public Prosecutor.

4. Learned counsel for the petitioner submitted that accused nos.1 and 2 separately filed complaints against the defacto complainant. For that reason, he was enmical towards them.

5. Learned Public Prosecutor opposed the bail application. It is contended that accused nos.1 and 2 are involved in two other crimes of grave nature. The 5th accused in also involved in one case registered under Sec.379 IPC.

Considering the nature of allegations, gravity of injuries and the manner in which the alleged incident occurred, I am not inclined to grant bail to accused nos.1, 2 and 5. Petitioners 3 and 4 (accused nos.3 and 4) shall be released on bail with the following conditions.

- i. The petitioners 3 and 4 shall be released on bail on their executing a bond for Rs.1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate

having jurisdiction.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The lower Court need not insist on solvency certificate. Other documents revealing the solvency of the sureties can also be relied on.

iv. They shall appear before the Investigating Officer for interrogation on all Mondays and Thursdays between 10.00 a.m. and 11.00 a.m. until final report is filed.

v. They shall surrender their passports before the lower court concerned or if they do not have the same, file affidavits to that effect.

vi. They shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

vii. They shall not involve in any
other offence during the period of bail.

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/16/11/2015

P.A. To Judge