

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

Bail Appl..No. 7140 of 2015

CRIME NO. 1701/2015 OF KONNI POLICE STATION, PATHANAMTITTA

PETITIONERS/ACCUSED NO.2 TO 5:

1. RAJAN, AGED 40 YEARS,
S/O.THANKAPPAN ACHARY, PUTHUPARAMBIL HOUSE,
KIZHKUPURAM MURI, KONNY THAZHAM VILLAGE, KONNY TALUK,
PATHANAMTHITTA.
2. SURESH KUMAR, AGED 47 YEARS,
S/O.THANKAPPAN ACHARY, PUTHUPARAMBIL HOUSE,
KIZHKUPURAM MURI, KONNY THAZHAM VILLAGE, KONNY TALUK,
PATHANAMTHITTA.
3. MANU MOHAN, AGED 27 YEARS,
S/O.MOHAN KUMAR, MANUBHAVANAM,
KIZHKUPURAM MURI, KONNY THAZHAM VILLAGE, KONNY TALUK,
PATHANAMTHITTA.
4. AMBILY SUNIL, AGED 38 YEARS,
W/O.SUNIL KUMAR, PUTHUPARAMBIL HOUSE,
KIZHKUPURAM MURI, KONNY THAZHAM VILLAGE, KONNY TALUK,
PATHANAMTHITTA.

**BY ADVS.SRI.M.MANOJ KUMAR
SMT.L.SMITHARAJ**

RESPONDENT:

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

RAJA VIJAYARAGHAVAN.V. J

B.A.7140 of 2015

Dated 27th November, 2015

ORDER

- 1.This application is filed u/s 438 of the Code of Criminal Procedure seeking pre-arrest bail.
- 2.The petitioners herein are the accused Nos.2 to 5 in crime No.1701 of 2015 of Konny police station . The said crime was registered against one Sunil as the 1st accused and the petitioners herein are accused Nos.2 to 5 alleging offence punishable u/s 294(b), 323, 332, 333 r/w S.34 of the IPC.
- 3.The gist of the prosecution allegation is that on 28.10.2015 at 9.15 pm, the accused persons deterred the Sub Inspector of police, Konny and his subordinate officers from discharging their official duty and the further allegation is that the 1st accused caused grievous hurt to the middle finger of the de facto complainant by beating him with an iron rod.

4.I have heard the learned counsel appearing for the petitioners as well as the learned Public Prosecutor.

5.The prosecution records reveal that it is against the 1st accused in the crime that the main allegations are levelled . He was arrested on the date of occurrence itself and he was in judicial custody for almost a month. He has been released on bail as per order dated 27.11.2015 in B.A.7141 of 2015 . Insofar as the petitioners are concerned, no specific overt act is alleged.

6.After having considered the rival submissions, the nature and gravity of the allegations, the antecedents of the petitioners and the other circumstances, I am of the considered view that anticipatory bail can be granted to the petitioners by imposing appropriate conditions.

7. In the result, this application is allowed , but subject to the following conditions:

i). The petitioners shall be released on bail after interrogation on their executing a bond for 25,000/- each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

ii). The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to any police officer.

iii). The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

iv). The petitioners shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

v). The petitioners shall not commit any similar offence while on bail.

vi). The petitioners shall not leave India without the previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

This application is allowed as above.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

/True copy/

P.S. TO Judge