

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

Bail Appl..No. 7182 of 2015 ()

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CRIME NO. 586/2015 OF MALAYINKEEZHU POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**

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PETITIONER(S):

- 1. VISHNU @ VINOD, AGED 22 YEARS,
S/O.VIJAYAN, ELLUVILA VEEDU, VIZHAVOOR,
MALAYAM P.O., THIRUVANANTHAPURAM.**
- 2. SURESH S., AGED 23 YEARS, S/O.SUKHU,
THENGUMKALA VEEDU, VIZHAVOOR, MALAYAM P.O.,
THIRUVANANTHAPURAM.**
- 3. SATHEESH K., AGED 23 YEARS,
S/O. KRISHNAN, PARAVILA PUTHEN VEEDU,
THENGOTTUVILA, PERUMKAVU P.O,
THIRUVANANTHAPURAM.**

**BY ADVS.SMT.K.KUSUMAM,
SRI.K.KALESH.**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. STATION HOUSE OFFICER,
MAYALINKEEZHU POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**

BY PUBLIC PROSECUTOR SMT.R. REMA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A.No.7182 of 2015

Dated this the 30th day of November, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.2, 4 and 5 in Crime No.586 of 2015 of Malayinkeezhu Police Station registered for the offences punishable under Sections 143, 144, 147, 148, 149, 341, 294(b), 323, 324, 326, 427 and 307 of the Indian Penal Code.

3. Prosecution case is that the accused persons as members of an unlawful assembly armed with deadly weapons like chopper, iron pipe, stone etc., attacked the defacto complainant, Pramod Kumar on 11.07.2015 at about 20.20 hours. It is further alleged that the accused were inimical towards the defacto complainant on account of some previous incidents.

4. Heard both sides.

5. Learned Public Prosecutor opposed the bail application. According to her, the 4th accused used a stone

to cause injury to the defacto complainant and other accused attacked him with barehands.

6. Learned counsel for the petitioner relying on Annexure-5 series contended that the defacto complainant is involved in various crimes and he is a problem maker in the area. He had attacked the accused persons and caused injury to them on several occasions. It is also submitted that none of the petitioners is involved in any other offence.

7. Considering the nature of the allegations, the injury sustained and the stage of the investigation, I am inclined to grant anticipatory bail to the petitioners with the following conditions:

- (a) The petitioners shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they 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 Investigating Officer.

- (b) The petitioners shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) The petitioners shall co-operate with the investigation of the case.
- (d) The petitioners shall not intimidate or attempt to influence the witnesses.
- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) The petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge