

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

Bail Appl..No. 7204 of 2015 ()

CRIME NO. 853/2015 OF KUMILY POLICE STATION, IDUKKI DISTRICT.

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PETITIONERS/ACCUSED NO. 1 TO 5:

1. JOSEPH SCARIAH @ JOSEKUTTY,
AGED 44 YEARS, S/O. SCARIAH,
VADAKKEMUKKADA, CHAKKUPALLAM P.O.,
CHAKKUPALLAM.
2. SABU GEORGE, AGED 49 YEARS,
S/O. GEORGE, PATTATHIL HOUSE,
CHAKKUPALLAM P.O., CHAKKUPALLAM.
3. JOBY KURIAN, AGED 33 YEARS,
S/O.KURIAN, KALLASSARIPARAMBIL,
CHAKKUPALLAM P.O., CHAKKUPALLAM.
4. KURIAN, AGED 46 YEARS,
S/O.SEBASTIAN, MADUKKAVUNKAL HOUSE,
CHAKKUPALLAM P.O., CHAKKUPALLAM.
5. BABU, AGED 53 YEARS,
S/O.MARKOSE, VALAYAMKUZHIYIL HOUSE,
CHAKKUPALLAM P.O., CHAKKUPALLAM.

BY ADVS.SRI.LIJI.J.VADAKEDOM,
SMT.REXY ELIZABETH THOMAS,
SRI.RAJEEV JYOTHISH GEORGE.

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.
2. SUB INSPECTOR OF POLICE,
KUMILY POLICE STATION, KUMILY P.O.,
IDUKKI DISTRICT -685 603.

BY PUBLIC PROSECUTOR SMT.R. REMA.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

A.HARIPRASAD, J.

B.A. No. 7204 of 2015

Dated this the 3rd day of December, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.1 to 5 in Crime No.853 of 2015 of Kumily Police Station registered for offences punishable under Sections 143, 147, 148, 294(b), 323, 324, 326, 427 and 506(ii) r/w Section 149 I.P.C.

3. Prosecution case, in short, is that on 07-11-2015 due to political dispute between the accused persons, they waylaid the defacto complainant's car and attacked him with stick causing fracture of two ribs. It is also alleged that car has been damaged causing a loss of Rs.15,000/-.

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

5. Learned counsel for the petitioners submitted that the dispute was on account of political reasons and they are innocent of all allegations. Learned Public Prosecutor opposed the bail application. The materials in the case diary clearly show that the

first accused used a stick on the defacto complainant causing fracture of 9th and 10th ribs. Other accused persons attacked the defacto complainant with bare hands. Hence, 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 to 5 (accused Nos.2 to 5) with following directions :

1. Petitioners 2 to 5 shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. In that event, the petitioners 2 to 5 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 2 to 5 shall deposit a sum of Rs.3,000/- each (Rupees three thousand only) before the learned Magistrate within a period of one week after execution of bond.
4. Petitioners shall appear before the Investigating Officer as and when directed.
5. Petitioners shall not influence or intimidate witnesses.
6. 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.

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P.A to Judge

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