

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 7208 of 2015

**CRIME NO. 1361/2015 OF KALLAMBALAM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**
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PETITIONER(S)/A1 TO A3 & A5:

1. LAIJU, AGED 36, S/O.SATHYAN,
THEKKE MELATHIL VEEDU, PARAKUNNU,
NAVAIKKULAM VILLAGE, THIRUVANANTHAPURAM.
2. SATHYAN, AGED 38, S/O.KUNJIRAMAN,
VILAYIL VEEDU, THEKKE MELATHIL VEEDU,
PARAKUNNU, NAVAIKKULAM VILLAGE,
THIRUVANANTHAPURAM.
3. THULASEEDHARAN @ MANIKUTTAN, AGED 35,
S/O.SIVANKUTTY, VILAYIL VEEDU, PARAKUNNU,
NAVAIKKULAM VILLAGE, THIRUVANANTHAPURAM.
4. PRADEEP, AGED 33, S/O.JANARDHANAN,
MADATHILPADINJATTATHIL VEEDU,
PARAKUNNU, NAVAIKULAM VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.SHAJIN S.HAMEED

RESPONDENT/STATE:

**STATE OF KERALA, REPRESENTED
THROUGH THE SUB-INSPECTOR OF POLICE
KALLAMBALAM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

Bail Appl. No.7208 of 2015

Dated this the 2nd day of December 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.1 to 3 and 5 in Crime No.1361 of 2015 of Kallambalam Police station registered for the offences punishable under Secs.143, 147, 148, 323, 324, 326 and 427 read with Sec.149 of the Indian Penal Code. Prosecution case in short is that, on 25.09.2015 at about 4.30 p.m., while the defacto complainant was riding a motorcycle with his sister's son as pillion rider, the accused persons wrongfully restrained him and pushed him down. Thereafter, they beat him with wooden plank and caused a fracture on the wrist.

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

4. Learned counsel for the petitioners submitted that Annexures A and B complaints have been preferred by wife of the 1st petitioner against the defacto

complainant .

5. Learned Public Prosecutor opposed the bail application. In respect of those complaints, it is submitted by the learned Public Prosecutor that separate crimes have been registered. There were two incidents on 24.09.2015 and 25.09.2015 wherein, wife of the 1st accused filed complaints against the defacto complainant. When that was questioned, there was a push and pull. The defacto complainant fell down and thereby fractured his wrist is the contention of the 1st accused.

6. I have perused the case diary. Considering the nature of allegations, I am inclined to grant pre arrest bail to the petitioners with the following conditions.

1. The petitioners shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation.

2. In the event of arrest, the petitioners shall be released on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each

with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

3. The petitioners shall appear before the Investigating Officer for interrogation on all Saturdays between 9.00 a.m. and 10.00 a.m. and on such other days as and when directed by the investigating officer in writing until final report is filed.

4. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

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/02/12/2015

P.A. To Judge