

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

Bail Appl..No. 7223 of 2015

CRIME NO. 493/2015 OF VELLATHOOVAL POLICE STATION, IDUKKI DISTRICT.
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PETITIONER(S)/ACCUSED 1 TO 6:

1. SANAL MATHEW, S/O. MATHEW, AGED 38 YEARS,
VEMBENIYIL HOUSE, CHINNARNIRAPPU,
KONNATHADI VILLAGE, VELLATHOOVAL P.O.,
IDUKKI DISTRICT.
2. SUNISH MATHEW, S/O. MATHEW, AGED 30 YEARS,
VEMBENIYIL HOUSE, CHINNARNIRAPPU,
KONNATHADI VILLAGE, VELLATHOOVAL P.O.,
IDUKKI DISTRICT.
3. SANEESH MATHEW, S/O. MATHEW, AGED 30 YEARS,
VEMBENIYIL HOUSE, CHINNARNIRAPPU,
KONNATHADI VILLAGE, VELLATHOOVAL P.O.,
IDUKKI DISTRICT.
4. JOBINS JOY, S/O. JOY, AGED 28 YEARS,
PULICKAL HOUSE, CHINNARNIRAPPU,
KONNATHADI VILLAGE, VELLATHOOVAL P.O.,
IDUKKI DISTRICT.
5. ROBIN THOMAS, S/O. THOMAS, AGED 34 YEARS,
ERAMBIL HOUSE, KURISUKUTTI BHAGAM,
KONNATHADI VILLAGE, VELLATHOOVAL P.O.,
IDUKKI DISTRICT.
6. JECKSON JOSEPH @ THAMPI, S/O. JOSEPH,
AGED 28 YEARS, KOTTAKKUDIYIL HOUSE, PARATHODE,
KONNATHADI VILLAGE, VELLATHOOVAL P.O.,
IDUKKI DISTRICT.

**BY ADVS.SRI.T.S.RAJAN
SRI.K.ABDUL HAKEEM**

Bail Appl..No. 7223 of 2015

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN - 682 031.
2. SUB INSPECTOR OF POLICE,
VELLATHOOVAL POLICE STATION,
VELLATHOOVAL P.O., IDUKKI DISTRICT, PIN - 685 563.

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

A.HARIPRASAD, J.

B.A. No.7223 of 2015

Dated this the 25th day of November, 2015

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1, 3, 2, 4, 6 and 8 respectively in Crime No.493 of 2015 of Vellathooval Police Station registered for offences punishable under Sections 143, 147, 341, 294(b), 323, 324 and 308 r/w Section 149 I.P.C.

3. Prosecution case, in short, is that on 02-11-2015 at about 5.25 p.m., the accused persons tried to commit culpable homicide of the defacto complainant by hitting with a jeep and they assaulted him with a granite piece. It is the prosecution case that the seventh accused in the crime drove the jeep and the first accused attacked the defacto complainant with the granite stone.

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

5. Learned Public Prosecutor has no case that other accused persons did use any weapon. Considering the nature of allegations, I am not inclined to grant pre-arrest bail to the first

petitioner (first accused). His application will stand dismissed. Bail can be granted to other petitioners (accused Nos. 3, 2, 4, 6 and 8) with following directions :

1. Petitioners (accused Nos. 3, 2, 4, 6 and 8) shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. In that event, he 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 shall appear before the Investigating Officer as and when directed.
4. Petitioners shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

amk

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

PA to Judge