

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

Bail Appl..No. 7272 of 2015

CRIME NO. 1241/2015 OF KILIMANOOR POLICE STATION, THIRUVANANTHAPURAM
.....

PETITIONER(S)/ACCUSED 1 & 3:

- 1. SHAIJU, AGED 20 YEARS,
S/O. BABU, MOTTATUVILLA VEEDU,
MOTTALUVILLA DESOM, KODUVAZHANOOR VILLAGE, KILIMANOOR,
THIRUVANANTHAPURAM DISTRICT.**
- 2. BABU, AGED 48 YEARS,
S/O. VASU, MOTTALUVILLA VEEDU,
MOTTALUVILLA DESOM, KODUVAZHANOOR VILLAGE, KILIMANOOR,
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.N.S.GOPAKUMAR
SRI.VADAKARA V.V.N.MENON**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
20-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.7272 of 2015

Dated this the 20th day of November, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioners are accused 1 and 3 in Crime No.1241 of 2015 of Kilimanoor Police Station registered for offences punishable under Sections 436, 294(b), 506(i) and 427 read with Section 34 of the Indian Penal Code. He seeks bail.

3. Allegation, in short, is that the accused persons, on 29.08.2015 at 8.30 p.m., in furtherance of their common intention trespassed into the compound of the defacto complainant, uttered obscene words and set fire to the tarpolin sheet used as a fencing.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that this is a counter case to Crime No.1132 of 2015 registered by the same Police under Sections 452, 294(b), 323, 324, 326 and 354 read with Section 34 of the Indian Penal Code against the defacto complainant. Further, the petitioners are in custody from 30.08.2015 onwards.

Considering the nature of offences and during of custody, bail is granted to the petitioners with following conditions:

i. Petitioners 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 learned Magistrate having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 9.00 and 10.00 a.m until final report is filed.

iv. They shall not indulge in any offence while on bail.

v. They shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioners, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

cks