

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. 7345 of 2015 ()

CRIME NO. 2929/2015 OF ADOOR POLICE STATION, PATHANAMTHITTA DISTRICT

PETITIONER(S)/ACCUSED NO.1 TO 3:

1. DEVARAJAN PILLAI, AGED 62 YEARS,
S/O.KESAVAN NAIR, NALUTHUNDIL VEEDU,
PUTHUMANA, EZHAMKULAM, ADOOR.
2. NITHIN, AGED 23 YEARS,S/O.SHAJI,
PONGATTU KIZHAKKATHIL, PUTHUMANA,
EZHAMKULAM, ADOOR.
3. SREERAJ, AGED 27 YEARS,S/O.DEVARAJAN PILLAI,
NALUTHUNDIL VEEDU, PUTHUMANA,
EZHAMKULAM, ADOOR.
4. SYAMRAJ, AGED 23 YEARS, S/O.DEVARAJAN PILLAI,
NALUTHUNDIL VEEDU, PUTHUMANA,
EZHAMKULAM, ADOOR.

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENT(S)/STATE:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.PIN-682 031.
2. SUB INSPECTOR OF POLICE, ADOOR POLICE STATION,
ADOOR, PATHANAMTHITTA - 689 645.

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

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

A.HARIPRASAD, J.

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B.A.No.7345 of 2015

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Dated this the 2nd day of December, 2015

ORDER

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

2. The petitioners apprehend arrest in Crime No.2929/2015 of Adoor Police Station registered under Sections 143, 147, 148, 323, 308, 341 read with Section 149 of the Indian Penal Code.

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

4. Learned Public Prosecutor submitted that the third petitioner is not named as an accused in the case. Therefore no order under Section 438 of Code of Criminal Procedure can be passed in his favour. Petitioners 1, 2 and 4 are accused 1 to 3. The prosecution case is that, on 11-11-2015 at about 8.00 p.m accused 1 to 3 along with other identifiable persons attacked the de facto complainant by using a chopper. Learned counsel for the petitioner submitted that even going by the prosecution case, no injury was sustained by the de facto complainant.

5. Considering the nature of allegations, I am inclined to grant anticipatory bail to the petitioners with the following conditions:

- (a) Petitioners 1, 2 and 4 (Accused 1 to 3) 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 their executing a bond for Rs.25,000/- (Rupees Twenty Five 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 on all Saturdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (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) 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.

AVS

//TRUE COPY//

P.A TO JUDGE