

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. 7375 of 2015

CRIME NO. 2046/2015 OF CENTRAL POLICE STATION, ERNAKULAM DISTRICT.
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PETITIONER(S)/ACCUSED NOS 1, 2, 4 AND 6:

1. **AMAL P.M., AGED 21 YEARS,
PUTHUVASSERY HOUSE, PUTHUVYPP P.O.,
VYPIN.**
2. **VISHNU P.S, AGED 20 YEARS,
BLAYEEPARAMBILL HOUSE, AIMS P.O.,
PONEKKARA, NORTH EDAPPALLY.**
3. **MUHAMMEDSAHAD V.S, AGED 21 YEARS,
VATHUKKAPARAMBU HOUSE, MUTTARKADAVU ROAD,
VATTEKUNNAM, EDAPPALLY NORTH P.O - 682 024.**
4. **AMAL P.A, AGED 21 YEARS,
THEKKEKKAVUSHERILL HOUSE,
AROOKUTTI P.O., CHETHALA.**

BY ADV. SRI.P.K.VARGHESE

RESPONDENT/COMPLAINANT:

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

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:**

mbr/

A.HARIPRASAD, J.

B.A. No. 7375 of 2015

Dated this the 2nd day of December, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.1, 2, 4 and 6 in Crime No.2046 of 2015 of Central Police Station registered for offences punishable under Sections 143, 144, 147, 324, 308 and 506(ii) r/w Section 149 I.P.C.

3. Prosecution case, in short, is that on 11-11-2015 at about 1.30 p.m., the petitioners along with other accused persons attacked the defacto complainant. The defacto complainant and the accused persons are students of Maharajas College, Ernakulam. There are lot of incidents of ragging happened in the college. This is a sequel to those incidents.

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

5. Learned counsel for the petitioners submitted that the petitioners are innocent of all allegations. Learned Public Prosecutor

opposed the bail application. First petitioner (first accused) is involved in one more crime of the same nature. In this case, it is alleged that he used an iron rod to cause injury. Second petitioner (second accused) attacked the defacto complainant with a reaper. But prosecutor has no case that he is involved in any other offence. Third petitioner did not use any weapon, but he is involved in another crime. Fourth petitioner is not involved in any other case and he did not use any weapon in this case. The wound certificate shows that the victim sustained multiple abrasions and fracture of a teeth. Considering the nature of allegations, I am not inclined to grant pre-arrest bail to the first petitioner. Hence, his bail application will stand dismissed. Bail is granted to the petitioners 2, 3 and 4 with following directions :

1. Petitioners 2, 3 and 4 shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. In that event, the petitioners 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. One of the sureties shall be either parents or siblings of the petitioners 2, 3 and 4. The sureties shall produce documents to establish their identity and solvency.
3. 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.
4. Petitioners 2, 3 and 4 shall appear before the Investigating Officer on all Saturdays between 10.00 and 11.00 a.m until final report is filed.
5. Students, who have been suspended by the Principal, Maharajas College, Ernakulam shall not enter the premises until the college authorities revoke their suspension.
6. Petitioners shall not influence or intimidate witnesses.
7. 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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