

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Bail Appl..No. 7404 of 2015 ()

CRIME NO. 985/2015 OF AYYAMPUZHA POLICE STATION, ERNAKULAM DISTRICT.

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PETITIONERS/ACCUSED NO.2 & 4:

1. TONY, AGED 26 YEARS,
S/O. URUMEEES , KOLAATUKUDY (H),
CHULLY, AYYAMPUZHA.
2. JINNY, AGED 30 YEARS,
S/O. ANTHONY, KAVUNGA (H),
CHULLY, AYYAMPUZHA.

BY ADVS.SRI.S.RAJEEV,
SRI.K.K.DHEERENDRAKRISHNAN,
SRI.V.VINAY.

RESPONDENT/STATE:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031,
(CRIME NO.985/2015 OF AYYAMPUZHA POLICE STATION,
ERNAKULAM DISTRICT).

BY PUBLIC PROSECUTOR SMT.R. REMA.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

A. HARIPRASAD, J.

Bail Appl. No.7404 of 2015

Dated this the 8th day of December 2015

O R D E R

Bail application filed under Sec.439 Cr.P.C.

2. Petitioners are accused nos.2 and 4 in Crime No.985 of 2015 of Ayyampuzha Police station registered for the offences punishable under Secs.143, 147, 294(b), 341, 323, 324 and 308 read with Sec.149 of the Indian Penal Code. Prosecution allegation is that, the accused persons, as members of an unlawful assembly, in furtherance of their common object, on 24.10.2015 at about 11.30 p.m., attacked the defacto complainant. The 3rd accused hit him with a stone which caused an injury. They intended to commit culpable homicide is the prosecution case. The petitioners are in custody from 26.10.2015 onwards.

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

4. Learned Public Prosecutor opposed the bail application. It is submitted that the petitioners are

involved in four other crimes of grave nature. Out of which, two are registered by Ayyampuzha Police.

Having regard to the stage of investigation and the fact that the petitioners have been in custody from 26.10.2015, bail is granted to them with the following conditions.

i. The petitioners shall be released on bail 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 learned Magistrate having jurisdiction.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The lower Court need not insist on solvency certificate. Other documents revealing the solvency of the sureties can also be relied on.

iv. The petitioners shall appear before

the Investigating Officer for interrogation on all Mondays and Thursdays between 10.00 a.m. and 11.00 a.m. until final report is filed.

v. The petitioners shall not enter the limits of Ayyampuzha Police station except for complying with the conditions in the bail order for a period of three months.

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

vii. The petitioners shall not involve in any other offence during the period of bail.

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 /