

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 1ST DAY OF DECEMBER 2015/10TH AGRAHAYANA, 1937

Bail Appl..No. 7440 of 2015 ()

**CRIME NO. 1820/2015 OF PEROORKADA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT**

PETITIONERS/ACCUSED :

- 1. SIVAKUMAR. S., AGED 28 YEARS,S/O.SELVAN,
THEKKE ALAPURATHU VEEDU, CHERUVIKKAL,
THIRUVANANTHAPURAM**
- 2. SUDHI S., AGED 26 YEARS,
S/O. SURESH KUMAR, KUMPILVILA VEEDU,
PANIKKAMVILA, MUKKOLA P.O., THIRUVANANTHAPURAM.**

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

RESPONDENTS/STATE :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.
(CRIME NO.1820/2015 OF PEROORKADA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT)**
- 2. STATION HOUSE OFFICER
PEROORKADA POLICE STATION
THIRUVANANTHAPURAM-695 005.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A. No.7440 of 2015

Dated this the 30th day of November, 2015

ORDER

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

2. Petitioners are accused in Crime No.1820 of 2015 of Peroorkada Police registered for offences punishable under Sections 294(b), 323, 324, 326 and 427 r/w Section 34 I.P.C.

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

4. Prosecution case, in short, is that on 17-11-2015 at about 5.45 p.m., while the defacto complainant parked his auto rickshaw in front of a shopping mall for taking passengers, the accused persons approached him and abused him. Thereafter, they beat him with hands and the first accused broke the windshield of auto rickshaw. They attacked the defacto complainant with a mobile phone causing ribs fracture.

5. Learned counsel for the petitioners submitted that there was a scuffle between the petitioners and the defacto complainant.

All of them are auto rickshaw drivers. Petitioners also sustained injuries in the incident. Annexures I and II are the wound certificates produced to show that they also sustained injuries. Learned Public Prosecutor opposed the bail application. According to her, mobile phone used for causing fracture of ribs could not be recovered. Considering the nature of allegations, following directions are made :

1. Petitioners shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. In that event, they shall be released on bail on executing a bond for Rs.25,000/- each (Rupees fifty 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. The petitioners shall deposit a sum of Rs.1000/- each (Rupees one thousand only) within a period of one week after execution of the bond.
4. The petitioners shall appear before the Investigating Officer as and when directed.
5. Petitioners shall not influence or intimidate witnesses.
6. 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//

P A to Judge