

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. 7455 of 2015 ()

**CRIME NO. 714/2015 OF THUMBA POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONERS/ACCUSED :

1. **SUJITH @ SUDHEESH**
S/O.SASIDHARAN, SHIJU BHAVAN, NEAR KAL PARK,
KULATHOOR, THIRUVANANTHAPURAM.
2. **VIJITH, S/O.VIJAYAN, VIJITHMANDIRAM, NEAR SNDP OFFICE,**
PULLUKADA, KULATHOOR WARD, ATTIPRA VILLAGE,
THIRUVANANTHAPURAM.
3. **PRASEED @ KANNAN**
S/O.THULASEEDHARAN, PARASEED BHAVAN,
NEAR KACHANI SCHOOL, ARUVIKKARA,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.RAJESH KANNAN

RESPONDENTS :

1. **THE SUB INSPECTOR OF POLICE**
THUMBA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT 695 001.
2. **STATE OF KERALA**
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI 682 031.

BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

**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.7455 of 2015

Dated this the 1st day of December, 2015

ORDER

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

2. Accused 1, 2 and 5 seek bail in Crime No.714 of 2015 of Thumba Police Station registered for offences punishable under Sections 143, 147, 148, 149, 341, 324 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case, in short, is that the third accused was engaged in illegal sand mining. He nurtured enmity towards the defacto complainant for giving a tip off to the Police about the illegal activities. The accused persons formed themselves into an unlawful assembly at 11.45 p.m. on 24.08.2015, armed with deadly weapons like sword, chopper, axe, iron rod, etc. and attacked the defacto complainant. He sustained very serious injuries.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that accused 1 and 2 are in custody for 97 days and the third accused is in custody for 89

days. It is also submitted that final report has not been filed so far.

Considering the facts and circumstances, bail is granted to the petitioners with following conditions:

i. Petitioners shall be released on bail on each one of them executing a bond for ₹50,000/- (Rupees fifty only) 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 10.00 and 11.00 a.m until final report is filed.

iv. Petitioners 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.

vi. They shall not enter the limits of Thumba Police Station for a period of three months except for the purpose of complying with the bail conditions.

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.

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