

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

Bail Appl..No. 7529 of 2015

CRIME NO. 1593/2015 OF PALAKKAD TOWN SOUTH POLICE STATION, PALAKKAD

APPLICANT(S)/ACCUSED NOS 1 TO 3, 5 AND 6:

1. MANOJ, AGED 24 YEARS,
S/O. LATE RADHAKRISHNAN, KAVERI NAGAR, KALLINGAL,
KODUMBU, PALAKKAD.
2. VISHNU, AGED 21 YEARS,
S/O. SWAMINATHAN, KAZHUKUNNAM HOUSE,
THIRUVALATHUR P.O., KODUMBU, PALAKKAD.
3. SURESH, AGED 33 YEARS,
S/O. MANICKAN, AYYAPPANKAVU, KARINGARAPULLY P.O.
PALAKKAD.
4. MOHANAN, AGED 29 YEARS,
S/O. KRISHNAN, ATTINGAL HOUSE, THIRUVALATHUR P.O.
KODUMBU, PALAKKAD.
5. SUJITH, AGED 19 YEARS,
S/O. SELVAN, THIRUVALATHUR P.O., KODUMBU,
PALAKKAD.

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A. No.7529 of 2015

Dated this the 3rd day of December, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 1 to 3, 5 and 6 in Crime No.1593 of 2015 of Palakkad Town South Police Station registered for offences punishable under Sections 143, 147, 294(b), 341, 323, 506(i) and 308 read with Section 149 of the Indian Penal Code. They seek pre-arrest bail.

3. Prosecution case, in short, is that the accused persons as members of an unlawful assembly, trespassed into the house of the defacto complainant and attacked her husband. Defacto complainant was pregnant at that time. She was pushed forcefully by the second accused when she intervened in the matter. She could manage to avoid a fall by holding on a table

4. Heard both sides.

Considering the nature of allegations, I am of the view that no custodial interrogation is necessary in this case.

i. Petitioners shall surrender before the investigating officer within a period of two weeks and submit themselves for

interrogation. Thereafter each one of them shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, they shall be released on bail in Crime No.1593 of 2015 of Palakkad Town South Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall 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 Saturdays between 10.00 and 11.00 a.m. until final report is filed.

iv. They shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

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