

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Bail Appl..No. 7585 of 2015

CRIME NO. 1532/2014 OF ERATTUPETTAH POLICE STATION, KOTTAYAM

PETITIONER(S)/ACCUSED NOS. 1 TO 4:

- 1. BINDHU, AGED 40 YEARS,
W/O. SANTHOSH, PARAKKONEL HOUSE, (MATTAHIMUNDYIL HOUSE).
NEAR KAVUKADAVU BRIDGE, PANCHIPARA KARA,
POONJAR THEKKEKARA VILLAGE.**
- 2. SANTHOSH,
S/O KUNJAPPAN, PARAKKONEL HOUSE,
(MATTAHIMUNDYIL HOUSE),
NEAR KAVUKADAVU BRIDGE, PANCHIPARA KARA,
POONJAR THEKKEKARA VILLAGE.**
- 3. BINOJA,
W/O JAIMON @ MURALI, VAZHAPALLIL HOUSE,
ADIVARAM KARA, POONJAR THEKKEKARA VILLAGE,
NOW RESIDING AT MOOTHUTTAKKAU BHAGOM KEESHAMPARA
KUNDOOR VILLAGE.**
- 4. JAIMON @ MURALI,
S/O KUMARAN, VAZHAPALLIL HOUSE,
ADIVARAM KARA, POONJAR THEKKEKARA VILLAGE,
NOW RESIDING AT MOOTHUTTAKKAU BHAGOM, KEESHAMPARA
KUNDOOR VILLAGE.**

**BY ADVS.SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM**

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 013.**
- 2. INSPECTOR OF POLICE,
ERATTUPETTA POLICE STATION-686101.**
- 3. SUB INSPECTOR OF POLICE,
ERATTUPETTA POLICE STATION-686101.**

BY PUBLIC PROSECUTOR SRI.REJI JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

BABU MATHEW P. JOSEPH, J.

B.A. No.7585 of 2015

Dated this the 18th day of December, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioners and the learned Public Prosecutor appearing for the respondents. C.D. produced.

3. The petitioners are accused 1 to 4 in C.P. No.12 of 2015 on the files of the Judicial First Class Magistrate's Court, Erattupetta (Crime No.1532 of 2014 of Erattupetta Police Station). The offence alleged is under Section 306 read with Section 34 of the Indian Penal Code. Learned counsel for the petitioners submits that the petitioners are innocent of the allegations raised against them. They have no criminal antecedents. The alleged occurrence had taken place on 23.11.2014. All the petitioners were in their own locality during the course of investigation. The police never thought it fit to arrest the petitioners during the course of investigation. All along they were

co-operating with the investigation. Now, the investigating agency has completed the investigation and filed the final report before the court. Even though the petitioners received summons from the committal court they have not appeared before the court as they were advised that they would not be granted regular bail by the committal court. In such a circumstance, the petitioners have approached this Court under Section 438 of Cr.P.C. for anticipatory bail, submits the learned counsel for the petitioners.

4. Learned Public Prosecutor has opposed this petition. He admits the fact that the investigating agency has completed the investigation and filed the final report before the court. He also admits the fact that during the course of investigation, the police has not arrested the petitioners. He further submits that no criminal antecedents have been reported against the petitioners. Annexure-A final report filed before the court also shows that the police has not arrested the petitioners during the course of investigation of the case. Even the police does

not have a case that the petitioners were absconding during the course of investigation. On considering the facts and circumstances including the facts that the investigation of the case was over and the final report was filed before the court and no criminal antecedents have been reported against the petitioners, this Court is of the view that the petitioners can be granted anticipatory bail imposing appropriate conditions.

Therefore, the petitioners are granted anticipatory bail subject to the following conditions:

- 1) The petitioners shall surrender before the Judicial First Class Magistrate's Court, Erattupetta, on or before 31.12.2015. The learned Magistrate is directed to release the petitioners on bail on their executing bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

- 2) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.

3) The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

4) The petitioners shall not commit any similar offence while on bail.

5) The petitioners shall not leave India without the previous permission of the concerned Magistrate's Court.

This application is allowed as above.

Sd/-BABU MATHEW P. JOSEPH
Judge

True Copy

P.A to Judge

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