

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

Bail Appl..No. 7716 of 2015 ()

CRIME NO. 1706/2015 OF MAVELIKKARA POLICE STATION, ALAPPUZHA DISTRICT

PETITIONERS/ACCUSED 1 & 2 :

- 1. VINIL, AGED 21 YEARS
S/O.AJAYAKUMAR, VELLAPPALLI VEEDU, UMBERNADU MURI
THEKKEKKARA VILLAGE.**
- 2. VIPIN
AGED 25 YEARS
S/O.AJAYAKUMAR, -DO-.**

**BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL**

RESPONDENTS/COMPLAINANTS :

**STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. SUDHEENDRA KUMAR, J.

Bail Appl. No.7716 of 2015

Dated this the 9th day of December 2015

ORDER

This is an application filed under Sec.439 Cr.P.C.

2. Petitioners are accused nos.2 and 2 in Crime No.1706 of 2015 of Mavelikkara Police station registered under Secs.143, 144, 147, 148, 324, 326 and 308 read with Sec.149 of the Indian Penal Code. Prosecution allegation is that, on 22.10.2015 at about 2.00 p.m., the petitioners along with other accused formed themselves into an unlawful assembly, armed with deadly weapons, and attacked the defacto complainant causing injuries on him. The petitioners were arrested on 22.10.2015 and ever since they have been in custody.

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

4. Learned Public Prosecutor has no serious objection in allowing this application. However, it has

been submitted by the learned Public Prosecutor that, after the incident of this case, there were four other incidents of more or less the same nature, which occurred due to political rivalry.

5. It appears from the case diary that the major part of the investigation as far as the petitioners is almost over. The petitioners used sticks to inflict injuries on the defacto complainant. The petitioners are not involved in any other offence of similar nature, submitted by the learned Public Prosecutor.

6. Considering the facts and circumstances of the case, including the period of detention of the petitioners and also taking into consideration of the fact that the petitioners are the first time offenders, I am inclined to grant bail to the petitioners.

In the result, the bail application stands allowed and the petitioners shall be enlarged on bail on each of the petitioners executing a bond for Rs.35,000/- (Rupees thirty five thousand only) each with two solvent sureties each, each for the like sum to the satisfaction of the

jurisdictional Magistrate and subject to the following further conditions:-

1. The petitioners shall report before the investigating officer on every Monday between 9.00 a.m. and 11.00 a.m. for three months and thereafter as and when required by the investigating officer in writing to do so..

2. The petitioners shall not enter into the jurisdiction of the Sessions Division, Alappuzha without the leave of the learned Magistrate, except for the purpose of reporting before the investigating officer as directed in this order.

3. The petitioners shall not get involved in any other offence while on bail.

4. The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE