

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Bail Appl..No. 7777 of 2015

CRIME NO. 1307/2015 OF PONNANI POLICE STATION, MALAPPURAM
.....

PETITIONER(S)/ACCUSED NOS. 1 & 2:

- 1. UDHAYAKUMAR, AGED 38 YEARS,
S/O.PARAMESWARAN NAIR,
KINATTUMKUARA PUTHANVEEDU HOUSE, CHERUVAIKKARA P.O.,
BIYYAM.**
- 2. VIPIN P., AGED 30 YEARS,
S/O.PADMANABHAN, PAYATTUPARAMBIL HOUSE,
CHERUVAIKKARA P.O., BIYYAM.**

**BY ADVS.SRI.SASTHAMANGALAM S. AJITHKUMAR
SRI.V.S.THOSHIN**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
THROUGH THE INSPECTOR OF POLICE,
PONNANI POLICE STATION, MALAPPURAM.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
17-12-2015, ALONG WITH BA.NO.7781/2015 THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

msv/

A. HARIPRASAD, J.

Bail Appl. Nos.7777 & 7781 of 2015

Dated this the 17th day of December 2015

O R D E R

Bail applications filed under Sec.439 & 438 Cr.P.C. respectively.

2. Petitioners are accused in Crime No.1307 of 2015 of Ponnani Police station registered for the offence punishable under Sec.436 of the Indian Penal Code. Accused nos.1 and 2 are the petitioners in B.A. No.7777 of 2015 and 3rd accused is the petitioner in B.A. No.7781 of 2015. Prosecution case is that, on 06.11.2015 at early hours, the accused persons, due to political enmity, set fire to a motorcycle and sofa laid in the veranda of the house of the defacto complainant.

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

4. Accused nos.1 and 2 are in custody from 15.11.2015. Investigation as regards the 1st and 2nd petitioners are concerned is advanced to a considerable extent. Therefore, I am inclined to grant bail to them with

the following conditions.

i. Accused nos.1 and 2 (petitioners in B.A. No.7777 of 2015) shall be released on bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The lower Court need not insist on solvency certificate. Other documents revealing the solvency of the sureties can also be relied on.

iv. The petitioners shall appear before the Investigating Officer for interrogation on all Saturdays between 10.00 a.m. and 11.00 a.m. until final

report is filed.

v. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

vi. The petitioners shall not involve in any other offence during the period of bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

5. The allegation against the 3rd accused is similar in nature to that of the other accused persons. Therefore, I am not inclined to grant pre arrest bail to the 3rd accused. In the result, bail application as far as the 3rd accused is concerned is dismissed.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/17/12/2015

P.A. To Judge