

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

Bail Appl..No. 7816 of 2015

CRIME NO. 3353/2015 OF KALADY POLICE STATION, ERNAKULAM.
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PETITIONER(S)/ACCUSED:

1. CHARLES @ UMESH K.K, AGED 26 YEARS,
S/O.KUTTAPPAN, KANJOOPARAMBIL HOUSE,
PARAPPURAM P.O., KIZHAKKUMBHAGAM VILLAGE.
2. LALU, AGED 38 YEARS, S/O.AYYAPPANKUTTY,
ASARIKUDY HOUSE, PARAPPURAM P.O.,
KIZHAKKUMBHAGAM VILLAGE.
3. ABHIJITH, AGED 24 YEARS,
S/O.VIJAYAN, KANJOOPARAMBIL HOUSE,
PARAPPURAM P.O., KIZHAKKUMBHAGAM VILLAGE.
4. REJI, AGED 36 YEARS,
S/O.AYYAPPANKUTTY, KUZHIPARAMBIL HOUSE,
PARAPPURAM P.O., KIZHAKKUMBHAGAM VILLAGE.
5. SHANIL, AGED 27 YEARS,
S/O.SHANMUGHAN, CHELATTU HOUSE,
PARAPPURAM P.O., KIZHAKKUMBHAGAM VILLAGE.

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

Bail Appl. No.7816 of 2015

Dated this the 16th day of December 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.1 to 5 in Crime No.3353 of 2015 of Kalady Police station, registered for the offences punishable under Secs.308, 326, 323 and 324 read with Sec.34 of the Indian Penal Code. Prosecution case is that, on 19.11.2015, the accused persons questioned the defacto complainant and his friends about consumption of alcohol by the side of a colony. In that incident, the defacto complainant sustained fracture of frontal bone and other injuries.

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

4. Learned counsel for the petitioners submitted that the petitioners are falsely implicated in this case.

5. Learned Public Prosecutor opposed the bail application. With reference to the case dairy, she

submitted that 1st and 2nd accused used weapons which caused very serious injuries to the defacto complainant whereas, accused nos.3 to 5 fisted the defacto complainant in this incident.

Considering the nature of allegations and the materials in the case diary, I am inclined to grant pre arrest bail to accused nos.3, 4 and 5 with the following conditions. Bail application as regards the 1st and 2nd petitioners are concerned is dismissed.

1. The petitioners 3, 4 and 5 (accused nos.3, 4 and 5) shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation.

2. In the event of arrest, they shall be released on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

3. They shall appear before the Investigating Officer for interrogation as and when directed by him in writing.

4. They shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

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.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/16/12/2015

P.A. To Judge