

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Bail Appl..No. 7827 of 2015

CRIME NO. 493/2015 OF VELLATHOOVAL POLICE STATION , IDUKKI

PETITIONER(S)/ACCUSED NO'S 7 AND 8 :

- 1. VIKAS JOHNY, AGED 24 YEARS,
S/O.JOHNY, VETTIKATHADATTHIL, PARATHODU,
KONNATHADY PANCHAYATH, KONNATHADY VILLAGE,
VELLATHOOVAL P.O, IDUKKI, PIN-685 571.**
- 2. JOBISH JOY, AGED 29 YEARS,
S/O.JOY, PULIKKAL HOUSE, CHINNARNIRAPPU,
KONNATHADI VILLAGE, VELLATHOOVAL P.O, IDUKKI- 685 571.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.R.ARUN KRISHNAN**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031,
REPRESENTING THE SUB INSPECTOR OF POLICE,
VELLATHOOVAL POLICE STATION, IDUKKI.**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.7827 of 2015

Dated this the 15th day of December, 2015

ORDER

Application for pre-arrest bail under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused Nos.7 and 5 respectively in Crime No.493 of 2015 of Vellathooval Police Station registered for offences punishable under Sections 143, 147, 341, 294(b), 323, 324 and 308 read with Section 149 of the Indian Penal Code.

3. Prosecution case, in short, is that on 02.11.2015 at about 5.25 p.m., the accused persons tried to commit culpable homicide of the defacto complainant by hitting with a jeep and they assaulted him with a granite piece also. It is the prosecution case that the seventh accused in the crime drove the jeep and the first accused attacked the defacto complainant with a granite stone.

After hearing learned counsel on both sides and also considering the fact that as per order on B.A.No.7223 of 2015 dated 25.11.2015 this Court granted pre-arrest bail to some of the accused, bail is granted to the petitioners with following conditions:

- i. Petitioners shall surrender before the investigating officer

within a period of two weeks from today and submit themselves for interrogation. Thereafter each one of them shall execute a bond for ₹25,000/- (Rupees twenty five 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.493 of 2015 of Vellathooval Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The Investigating Officer need 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 as and when directed.

iv. Petitioners shall not influence or intimidate witnesses.

If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

A. HARIPRASAD, JUDGE.

cks