

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Bail Appl..No. 8269 of 2015

CRIME NO. 1638/2015 OF PAMPADY POLICE STATION, KOTTAYAM
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PETITIONER(S)/ACCUSED NOS 1 AND 3 TO 6:

1. **AJEESHMON, AGED 26 YEARS,
S/O.RAJU P.G., PULIYURMBIL HOUSE,
KOOROPPADA KARA, KOOROPPADA VILLAGE,
KOTTAYAM DISTRICT, PIN - 686 502.**
2. **VISHNU S.NAIR, AGED 20 YEARS,
S/O.SASIDHARAN NAIR, THANAKMANI VILASAM,
KOOROPPADA KARA, KOOROPPADA VILLAGE,
KOTTAYAM DISTRICT, PIN - 686 502.**
3. **PRATHEESH K.P., AGED 20 YEARS,
S/O.PRAKASH, KARIMUNDAYIL HOUSE,
KOOROPPADA KARA, KOOROPPADA VILLAGE,
KOTTAYAM DISTRICT, PIN - 686 502.**
4. **ROBIN CHACKO, AGED 25 YEARS,
S/O.CHACKO VARKEY, ANAKKALLUNKAL HOUSE,
KOOROPPADA KARA, KOOROPPADA VILLAGE,
KOTTAYAM DISTRICT, PIN - 686 502.**
5. **RATHEESH K.B., AGED 21 YEARS,
S/O.BALAKRISHNAN NAIR, KAVANATTU VADAKKETHIL HOUSE,
KOOROPPADA KARA, KOOROPPADA VILLAGE,
KOTTAYAM DISTRICT, PIN - 686 502.**

**BY ADVS.SRI.C.S.MANU
SRI.S.K.PREMRAJ**

RESPONDENT(S)/COMPLAINANT & THE INVESTIGATING OFFICER:

1. **STATE OF KERALA, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682 031.**
2. **THE SUB INSPECTOR OF POLICE,
PAMPADY POLICE STATION,
KOTTAYAM DISTRICT, PIN - 686 521.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
23-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.8269 of 2015

Dated this the 23rd day of December, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioners are accused 1 and 3 to 6 in Crime No.1638 of 2015 of Pampadi Police Station. At present the offences alleged against them are punishable under Sections 143, 147, 341, 323, 324 and 308 read with Section 149 of the Indian Penal Code. They seek bail.

3. Prosecution case, in short, is that on 24.11.2015 at 8.45 p.m., the first petitioner fisted on the face of the defacto complainant. He sustained a lacerated wound over his nose when he fell down on the road. No weapon is used is the contention raised by the petitioners.

4. Heard both sides.

5. Learned Prosecutor on instruction submitted that even though in the first information statement use of iron rod is mentioned, subsequent investigation revealed that no weapon was used at the time of incident. The accused are in custody from 01.12.2015 onwards.

Considering the stage of investigation and the number of days in custody, bail is granted to the petitioners with following conditions:

i. Petitioners shall be released on bail on each one of them executing a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court 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 on all Saturdays between 10.00 and 11.00 a.m until final report is filed.

iv. Petitioners shall not indulge in any offence while on bail.

v. They shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioners, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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P.S. To Judge