

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Bail Appl..No. 8316 of 2014 (D)

AGAINST THE ORDER IN CRMC 2626/2014 of SESSIONS COURT,TRIVANDRUM
DT.1/11/2014
CRIME NO. 1136/2014 OF PALODE POLICE STATION , THIRUVANANDAPURAM

PETITIONERS/ACCUSED 1 AND 2:

1. ALLEN THOMAS, AGED 21 YEARS
S/O.T.V.THOMAS, VAZHUTHALA PALLY HOUSE, IDINJAR P.O.
PERINGAMALA, THOLICODE P.O., NEDUMANGAD.
2. SAJITH CHANDRAN, AGED 22 YEARS
S/O.CHANDRAN, S.M.S.HOUSE, IDINJAR P.O.
PERINGAMALA.

BY ADVS. SRI.THOMAS ABRAHAM
SMT.MERCIAMMA MATHEW
SRI.ASWIN.P.JOHN

RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA-682031.
2. SUB INSPECTOR OF POLICE,
PALODE POLICE STATION, THIRUVANANTHAPURAM DISTRICT-695031.

BY PUBLIC PROSECUTOR SMT.M.MADHUBEN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

B. A. No.8316 of 2014

Dated this the 22nd day of June, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondents. C.D. produced.

3. The petitioners are accused 1 and 2 in Crime No.1136 of 2014 of Palode Police Station. The offences alleged are under Sections 323, 324, 341 and 308 read with Section 34 of IPC. Learned counsel for the petitioners submits that the petitioners are innocent of the allegations raised against them. The first petitioner is aged only 21 and the second petitioner is aged only 22. They have no criminal antecedents. The investigation of the case is almost over. The custodial interrogation of the petitioners is not required

in this case. The de facto complainant has not suffered any serious injury. He further submits that the petitioners apprehend arrest by the police at any time.

4. The Case Diary shows that the investigation of the case has progressed much. Learned Public Prosecutor, on instructions, submits that no criminal antecedents have been reported against the petitioners. On considering the facts and circumstances, stage of the investigation, age of the petitioners and the fact that no criminal antecedents have been reported against the petitioners, this Court is of the view that the petitioners can be granted anticipatory bail imposing appropriate conditions.

5. Therefore, the petitioners are granted anticipatory bail subject to the following conditions:

- 1)The petitioners shall surrender before the Investigating Officer on or before 29-06-2015. In the event of their arrest, they shall be released on bail on

their executing bonds for ₹ 25,000/- (Rupees twentyfive thousand only) each with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

2)The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.

3)The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

4)The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

5)The petitioners shall not commit any similar offence while on bail.

6)The petitioners shall not leave India without the previous permission of the concerned Magistrate's Court.

This petition is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE