

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYASHTA, 1937

Bail Appl..No. 8534 of 2014 (B)

CRIME NO. 415/2014 OF FORT POLICE STATION , THIRUVANANTHAPURAM

PETITIONERS/ACCUSED :

1. TINU M.S. AGED 24 YEARS
S/O. MURUKAN, TC 41/1418, MSK NAGAR
KURIYATHI, MANACAUD P.O., THIRUVANANTHAPURAM-695 009.
2. SUDHEESH, AGED 20 YEARS
S/O. SUKU, TC 41/140(3), MSK NAGAR
KURIYATHI, MANACAUD P.O., THIRUVANANTHAPURAM-695 009.
3. AKHIL B., AGED 17 YEARS
S/O. BABU, MSK NAGAR, KURIYATHI
MANACAUD P.O., THIRUVANANTHAPURAM-695 009.
4. AJITH S.N., AGED 18 YEARS
S/O. SUBRAMONIYAN, TC 41/1470, MSK NAGAR
KURIYATHI, MANACAUD P.O., THIRUVANANTHAPURAM-695 009.
5. GOKUL S., AGED 17 YEARS
S/O. SATHEESAN, TC 41/1426, MSK NAGAR
KURIYATHI, MANACAUD P.O., THIRUVANANTHAPURAM-695 009.

BY ADVS.SRI.SUMAN CHAKRAVARTHY
SRI.SANDEEP T.GEORGE

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

BY PUBLIC PROSECUTOR, SHRI.RAJESH VIJAYAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Bail Application No.8534 of 2014

Dated this the 5th day of June 2015

O R D E R

The petitioners are accused Nos.4, 6, 7, 8 and 10 in Crime No.415 of 2014 of Fort Police Station registered under Sections 143, 147, 148, 149, 294(b), 323, 326 and 354 of I.P.C.

2. The prosecution allegation is that on 5.3.2014 at about 2 a.m., while the temple festival was going on, the petitioners and the other accused attacked the *defacto complainant* and her son, as the *defacto complainant* questioned about the consuming of alcohol within the premises of the temple. The first accused attacked the *defacto complainant* with a brick, causing fracture on her right arm. The other accused attacked the son of the *defacto complainant* with stones. The petitioners have filed this application praying for the relief under Section 438 Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has no serious objection in allowing this application.

5. It appears that the first accused caused fracture on the *defacto complainant* in the incident. The first accused was granted the relief under Section 438 Cr.P.C. by this court as per order in B.A. No.3971 of 2014 dated 9.6.2014. The petitioners did not cause any fracture on the *defacto complainant*. Considering the facts and circumstances of the case, including the fact that the first accused had been already granted the relief under Section 438 Cr.P.C., I am inclined to grant the same relief to the petitioners as well.

In the result, this application stands allowed and the respondent is directed to release the petitioners on bail in the event of their arrest in Crime No.415 of 2014 of Fort Police Station, on condition of each of the petitioners executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each, with two solvent sureties each, each for the like sum to the satisfaction of the

Sub Inspector of Police, Fort Police Station, before whom the petitioners shall surrender within two weeks from today and subject to the following conditions:

(i) The petitioners shall report before the Investigating Officer as and when required by the Investigating Officer for interrogation.

(ii) The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(ii) The petitioners shall not get involved in any offence during the pendency of this case.

sd/

**B.SUDHEENDRA KUMAR,
JUDGE**

dl

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PA TO JUDGE