

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Bail Appl..No. 8849 of 2014 ()

**CRIME NO. 1266/2014 OF KAREELAKULANGARA POLICE STATION,
ALAPPUZHA DISTRICT**

PETITIONERS/ACCUSED :

- 1. RAKHIL, AGED 22 YEARS,
S/O.LATE K.RAGHAVAN, SREESAILAM,
MUTTOM P.O., HARIPAD**
- 2. JINU GOPINATH, AGED 29 YEARS,
S/O.LATE GOPINATHAN PILLAI, PONMALIL,
KANICHANALLOR, MUTTOM P.O., HARIPAD**
- 3. BINEESH, AGED 28 YEARS,
S/O.BABU, PALLATHARAYIL, KANICHANALLOR,
MUTTOM P.O., HARIPAD**
- 4. VISHAKH, AGED 21 YEARS,
S/O.LATE AYYAPPAN, PUTHENVEETIL ,
EROR NORTH, CHEPPAD**

BY ADV. SRI.N.UNNIKRISHNAN

RESPONDENTS/COMPLAINANT/STATE :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682 031**
- 2. THE SUB INSPECTOR OF POLICE,
KAREELAKULANGARA POLICE STATION,
ALAPPUZHA DISTRICT 680 572**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

B. KEMAL PASHA, J.

.....
B.A. No.8849 of 2014
.....

Dated this the 9th day of January, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.1266/2014 of Kareelakulangara Police Station, Alappuzha district, registered for the offences punishable under Sections 323, 324 and 506(ii) read with Section 34 IPC and Sections 20 and 27 of the Arms Act.

3. The allegation against the petitioners is that on 20.11.2014 at 7.30 p.m. they attacked the *defacto complainant* and his friend Sunilkumar by using a wooden reaper. When people gathered, it is alleged that the 1<sup>st</sup> accused drew out a sword stick from his motor bike and intimidated the people.

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

5. The contents of the CD reveal that the investigation of this case is practically over. Copies of the wound certificates have been produced by the petitioners along with the bail application, which do not show any injuries at all apart from body pain. Considering the facts and circumstances of this case, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

*(i) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays, commencing from 16.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.*

*(ii) The petitioners shall not tamper with the evidence or influence witnesses.*

*(iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.*

*(iv) The petitioners shall not involve in any offence while on bail.*

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/09/01

*// True Copy //*

*PA to Judge*