

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

Bail Appl..No. 8903 of 2014 ()

CRIME NO. 1188/2014 OF VADAKKEKKARA POLICE STATION, ERNAKULAM DISTRICT

PETITIONERS/ACCUSED 4 TO 7 :

1. SAJU,
S/O.JOSSA, AGED 26 YEARS
THACHILETH HOUSE, PARAYAKAD
PARUVATHURUTH, N.PARAVUR.
2. ABHILASH,
S/O.JOSE, AGED 26,
MEKKAMTHURUTHIL HOUSE, PARUVATHURUTH
N.PARAVUR.
3. SYAMKUMAR T.S.,
S/O.SIVAN, AGED 24 YEARS
THAIVEPPIL HOUSE, THURUTHIPURAM.
4. DERISH JOSEPH,
S/O.DAVIS, AGED 30 YEARS
MUTTIKKAL HOUSE, VADAKKUMPURAM
CHENDAMANGALAM.

**BY ADVS.SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING THE S.I. OF POLICE
VADAKKEKARA – 638 079.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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B. KEMAL PASHA, J.
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B.A. No. 8903 of 2014
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Dated this the 19th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are A6, A5 and A4 in Crime No.1188 of Vadakkekara Police Station, Thrissur, registered for the offences punishable under Sections 143, 147, 148, 447, 323, 324 and 326 r/w Section 149 of IPC.

3. The allegation against the petitioners is that on 11.09.2014 at 09.15 pm, the son of the defacto complainant Jobish was attacked by A1 and A2 and he lost a tooth when he was hit on his face with a granite stone. Thereafter, it is alleged that the petitioners and the other accused formed themselves into an unlawful assembly armed with deadly weapons and trespassed into the courtyard of the house of the defacto complainant and attacked the said Jobish. He was beaten up with sticks.

When his younger brother Binish intervened, he was also beaten up severely. In the incident, it is alleged that Jobish sustained a fracture on the bone of his right hand and Binish had sustained a fracture on the bone on his left hand.

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

5. The learned Public Prosecutor submits that the 4th accused is not an accused in the above said crime. Hence, the application filed by the 4th accused is closed.

6. It has come out that both the said Jobish and Binish are mentally deranged and are suffering from severe mental illness. Presently, they are undergoing treatment at the Mental Health Centre, Thrissur. It has come out that on the date of incident at 9.15 pm, the aforesaid Jobish, with a knife had committed house trespass into the house of A3 herein with intent to commit murder of the mother of A3. He stabbed repeatedly the mother of A3 thereby attempting to commit murder, for

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which Crime No.1182/2014 has been registered for the offences punishable under Sections 307 and 450 IPC. From there, when people gathered, he ran away and went to the house of A1, where also he trespassed into the house of A1 for committing the murder of the father of A1. He repeatedly stabbed the father of A1, for which Crime No.1183/2014 has been registered for the offences punishable under Sections 450 and 307 IPC. It seems that there was only a reaction against the said acts from the people of the locality by which people gathered and attacked the said sons of the defacto complainant. Considering the facts and circumstances of this case, this Court is of the view that this is a fit case wherein anticipatory bail can be granted to the 1st and 2nd petitioners.

7. In the result, this bail application is allowed, and the investigating officer or such other officer, who is conducting the arrest of the petitioners, is directed to enlarge the 1st and 2nd petitioners on bail in the event of

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their arrest on each of them executing a bond for ₹ 50,000/- (Rupees fifty 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 am and 11 am on all Mondays and Thursdays commencing from 26.01.2015 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