

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. 8925 of 2014 ()

CRIME NO. 1673/2014 OF ALATHUR POLICE STATION, PALAKKAD DISTRICT

APPLICANTS /ACCUSED NOS. 1 TO 4 :

- 1. UDAYAKUMAR, AGED 20 YEARS
S/O.UNNIKRISHNAN, ALINGAL PARAMBU, KUNISSERY
ALATHUR, PALAKKAD**
- 2. K.SANTHEESHKUMAR, AGED 27 YEARS
S/O.KUTTYKRISHNAN, MUTHALAKULAM VEEDU, ALINGAL PARAMBU
KUNISSERY, ALATHUR, PALAKKAD**
- 3. CHENTHAMARA, AGED 21 YEARS
S/O.MALAYAPPAN, KAMMANTHARA, KAVASSERY
ALATHUR, PALAKKAD**
- 4. RATHEESHKUMAR, AGED 23 YEARS
S/O.MALAYAPPAN, KAMMANTHARA, KAVASSERY
ALATHUR, PALAKKAD**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**

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:**

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B.KEMAL PASHA, J.

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B.A. No. 8925 of 2014

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Dated this the 9th day of January, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 4 in Crime No.1673/2014 of Alathur Police Station, registered for the offences punishable under Sections 341, 324 and 308 read with Section 34 IPC.

3. The allegation against the petitioners is that on 28.11.2014 at about 8.30 p.m., the accused wrongfully restrained the de facto complainant, caught hold of him and the 1st accused beat on his head with an iron rod. It is alleged that the other petitioners beat the de facto complainant with wooden stick on his back and hands.

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

5. The contents of the C.D. *prima facie* reveal the complicity

of the 1st petitioner. The main overt act is alleged against the 1st petitioner, that he beat on the head of the de facto complainant. The wound certificate clearly shows that the de facto complainant has sustained very serious injuries. Regarding the other petitioners, there are no corresponding injuries in connection with the allegations levelled against them. Considering the facts and circumstances of this case, I am of the view that petitioners 2 to 4 can be granted anticipatory bail. Considering the seriousness of the allegations against the 1st petitioner, and the present stage of investigation, I am of the view that the 1st petitioner is not entitled to the discretionary relief of anticipatory bail.

6. In the result, this bail application is allowed in part and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge petitioners 2 to 4 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) Petitioners 2 to 4 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) Petitioners 2 to 4 shall not tamper with the evidence or influence witnesses.

(iii) Petitioners 2 to 4 shall make themselves available for interrogation as and when required by the investigating officer.

(iv) Petitioners 2 to 4 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.

This Bail Application, as far as the 1st petitioner concerned, is dismissed.

Sd/-
B.KEMAL PASHA, JUDGE

B.A. No. 8925 of 2014

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PA to Judge