

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH

THURSDAY, THE 31ST DAY OF OCTOBER 2013/9TH KARTHIKA, 1935

Bail Appl..No. 5974 of 2013 ()

**CRIME NO. 732/2013 OF KOOTHATTUKULAM POLICE STATION ,
ERNAKULAM**

PETITIONERS/ACCUSED NOS. A1 TO A4:

- 1. KIRAN, AGED 26 YEARS
S/O. BENNY.C.P., PARATHOTTAYIL HOUSE, KARAMALA.P.O.
POOVAKULAM KOTTAYAM DISTRICT.**
- 2. NIJO KANNAPPAN, AGED 26 YEARS
S/O. KANNAPPAN, KANDATHINKARAYIL HOUSE, KARAMALA.P.O.
POOVAKULAM KOTTAYAM DISTRICT.**
- 3. RATHEESH, AGED 30 YEARS
S/O. MOHANAN, MANTHOTTATHIL HOUSE,
KOOTHATTUKULAM.P.O.
KOOTHATTUKULAM, ERNAKULAM DISTRICT.**
- 4. PRATHEESH, AGED 31 YEARS
S/O.SHEKARAN, KONIKKAL HOUSE, THIRUMARADY.P.O.
THIRUMARADY, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.K.S.ARUN KUMAR
SMT.M.N.MAYA
SMT.T.V.ANITHA**

COMPLAINANT(S)/RESPONDENT:

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

BY PUBLIC PROSECUTOR SRI.ROY THOMAS

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31-10-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

dlk

THOMAS P. JOSEPH, J

B.A.No.5974 of 2013

Dated this the 31th day of October, 2013

ORDER

Petitioners are accused Nos.1 to 4, in Crime No.723 of 2013 of the Koothattukulam Police Station for the offences punishable under Sections 323, 324, 341 and 308 r/w Section 34 of the Indian Penal Code. Allegation is that on 21-08-2013 petitioners attacked the defacto complainant with wooden log consequent to a dispute regarding parking of vehicles in front of a bar hotel, apprehend arrest and have filed this application.

2. Learned Public Prosecutor has submitted that petitioners are involved in the incident. It is also submitted that the weapon of offence is recovered.

3. Having heard the learned counsel and the learned Public Prosecutor, I am inclined to think that in the circumstances of the case custodial interrogation of the petitioners is not required. Hence, I am inclined to grant relief but subject to conditions.

Resultantly, this application is disposed of as under:

a) Petitioners shall surrender before the officer investigating Crime No.723 of 2013 of the Koothattukulam Police Station on 06-11-2013 at 10 a.m for interrogation.

b) If interrogation of the petitioners is not completed that day, they shall appear before the officer investigating the case on the day/days and time as directed by him which the petitioners shall comply.

c) After interrogation is over and in case arrest of the petitioners are recorded, they shall be produced before the jurisdictional magistrate the same day.

d) On such production the petitioners shall be released, if not required to be detained otherwise, on their executing bond of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions:

i) One of the sureties shall be a close relative of any of the petitioners.

ii) Petitioners shall report to the officer investigating the case on every alternate Saturday between 10 a.m and 12 p.m for a period of two months or until filing of the final report, whichever is earlier.

iii) Petitioners shall report to the officer investigating the case as and when required for interrogation.

iv) Petitioners shall not get involved in any offence during the period of this bail.

v) In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate (until committal of the case if any, and thereafter, before the learned Principle Sessions Judge concerned) as held in ***P.K.Shaji Vs. State of Kerala (AIR 2006 SC 100)***.

THOMAS P. JOSEPH, JUDGE

AS