

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY ,THE 29TH DAY OF MARCH 2019 / 8TH CHAITHRA, 1941

Bail Appl..No. 1641 of 2019

CRIME NO. 270/2019 OF Ezhukone Police Station , Kollam

PETITIONER/S:

- 1 RENI JOY, AGED 36 YEARS
 S/O. JOYIKKUTTY, RENI BHAVAN,
 MUKKOD (P.O.), MULAVANA VILLAGE,
 KUNDARA, KOLLAM DISTRICT.
- 2 SHYJUJOHN, AGED 37 YEARS
 S/O. JOHN VARGHESE, PLAVILAHOUSE,
 NEDUMBAYIKKULAM, KUNDARA, EZHUKONE VILLAGE,
 KOTTARAKKARA TALUK, KOLLAM DISTRICT
- 3 ANEESH @ MATHANPANICKER
 AGED 29 YEARS
 S/O. JOHN PANICKER, PAYATTUVILAPUTHENVEEDU,
 NEDUMBAYIKKULAM, KUNDARA, MULAVANAVILLAGE,
 KOTTARAKKARA TALUK, KOLLAM DISTRICT
- 4 SURESH @ PODIMON, AGED 40 YEARS
 S/O. SUBRAHMANIAN, KILITHATTILVADAKKETHIL HOUSE,
 EZHUKONE VILLAGE, KOTTARAKKARA TALUK,
 KOLLAM DISTRICT

BY ADV. SRI.S.R.SREEJITH

RESPONDENT/S:

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

SMT.V.SREEJA,PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.03.2019,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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ORDER

The petitioners are accused in Crime No.270/2019 of Ezhukone Police Station registered for the offences punishable under Sections 143, 147, 148, 323, 324, 326, 308 and 506 read with Section 149 IPC.

2. The prosecution allegation is that on 17.02.2019 at 6.30 p.m., the petitioners and the other accused attacked the defacto complainant causing nasal bone fracture on the defacto complainant.

3. The petitioners have filed this application under Section 438 Cr.P.C.

4. Heard.

5. The learned Public Prosecutor has submitted that the petitioners are not involved in any other offence. It has been submitted by the learned Public Prosecutor that the defacto complainant is involved in three crimes of similar nature. It appears that there was an incident

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in which the defacto complainant herein attacked the mother of the 2nd petitioner herein and in connection with that incident, crime No.617/2018 was registered for the offences punishable under Sections 354 and 308 IPC. Considering the facts and circumstances of the case, including the fact that the petitioners are the first time offenders, I am of the view that the custodial interrogation of the petitioners is not necessary in this case. In the said circumstances, an order under Section 438 Cr.P.C. in favour of the petitioners will be justified.

In the result, this bail application stands allowed and the respondent is directed to release the petitioners on bail in the event of their arrest in connection with Crime No.270/2019 of Ezhukone Police Station, on condition of each of the petitioners executing a bond for Rs.40,000/- (Rupees forty thousand only) each, with two solvent sureties each, each for the like sum to the

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satisfaction of the Station House Officer of Ezhukone Police Station before whom the petitioners shall surrender within ten days, if not arrested in the meantime and subject to the following further conditions:

1. The petitioners shall report before the Investigating Officer on every Wednesday between 9 a.m. and 11 a.m. for three months and thereafter, as and when required by the Investigating Officer for interrogation.
2. The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.
3. The petitioners shall not get involved in similar offences during the pendency of this case.

Sd/-

B.SUDHEENDRA KUMAR

JUDGE

Nkr/29.03.19