

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 31ST DAY OF MARCH 2022 / 10TH CHAITHRA, 1944

BAIL APPL. NO. 2472 OF 2022

PETITIONERS/ACCUSED NOS. 1 TO 6:

- 1 DHANEESH
AGED 25 YEARS
PALLIPARAMBIL HOUSE, KOLAHALAMEDU KARA, VAGAMON VILLAGE,
IDUKKI DISTRICT, PIN - 685501
- 2 VISHNU
AGED 23 YEARS
S/O. VENUKUMAR, MELTHANDATHIL HOUSE, KOLAHALAMEDU KARA,
VAGAMON VILLAGE, IDUKKI DISTRICT, PIN - 685501
- 3 MIDHUN
AGED 24 YEARS
NANIPARAYIL HOUSE, KLOAHALAMEDU KARA, VAGAMON VILLAGE,
IDUKKI DISTRICT, PIN - 685501
- 4 HARIKRISHNAN
AGED 24 YEARS
S/O. VINOD KUMAR, VINODALAYAM HOUSE, KOLAHALAMEDU KARA,
VAGAMON VILLAGE, IDUKKI DISTRICT, PIN - 685501
- 5 ARUN KUMAR
AGED 22 YEARS
S/O. PRADEEP KUMAR, PALACKAL HOUSE, KOLAHAMEDU KARA,
VAGAMON VILLAGE, IDUKKI DISTRICT, PIN - 685501
- 6 DAS
AGED 45 YEARS
S/O. SELVAMANI, PALLIPPARAMBIL HOUSE, KOLAHAMEDU KARA,
VAGAMON VILLAGE, IDUKKI DISTRICT, PIN - 685501

BY ADVS.
E.VIJIN KARTHIK
SUJESH MENON V.B.

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
PIN - 682031

BY ADV PUBLIC PROSECUTOR

BAIL APPL. NO.2472 OF 2022

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SRI. M.C. ASHI (PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Petitioners are the accused in Crime No.130/2022 of Vagamon Police Station, Idukki district alleging commission of offences under Sections 143, 144, 147, 148, 326, 324, 323, 294(b) r/w 149 of the Indian Penal Code.

2. The petitioners who are employees of an amusement park at Vagamon, Idukki are accused of having attacked the de-facto complainant and others and causing serious injuries to them.

3. The learned counsel for the petitioners would submit that the de-facto complainant and others had trespassed into the amusement park and this was questioned by the petitioners, following which a scuffle occurred. It is submitted that the petitioners have also filed a complainant against the de-facto complainant and others following which Crime No.131/2022 has been registered at the very same Police Station. It is submitted that the petitioners have no criminal antecedents and their custodial interrogation is not necessary in the facts and circumstances of the case.

4. The learned Public Prosecutor opposes the grant of bail. It is submitted that the serious injuries were occasioned to two persons owing to the attack by the petitioners. The wound certificates in respect of the persons who were injured are referred to, to point out that the petitioners are not entitled to be released on bail.

5. Having regard to the facts and circumstances of the case and considering the nature of allegations against the petitioners and taking into account the fact that no criminal antecedents are reported against the petitioners and also taking into account the fact that Crime No.131/2022 of the very same Police Station has been registered against the de-facto complainant and others on the complaint of the petitioners herein, I am inclined to allow this application as their custodial interrogation does not appear to be necessary for the proper investigation into the matter.

6. In the result this bail application is allowed. It is directed that the petitioners shall be released on bail, subject to the following conditions:-

(i) Petitioners shall execute separate bonds for sums

of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;

(ii) Petitioners shall report before the investigating officer in Crime No.130/2022 of Vagamon Police Station, Idukki at 10.00 AM on 04.04.2022 and 05.04.2022 and thereafter whenever called upon to do so;

(iii) Petitioners shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.130/2022 of Vagamon Police Station, Idukki district;

(iv) Petitioners shall not involve in any other crime while on bail;

If any of the aforesaid conditions are violated, the Investigating officer in Crime No.130/2022 of Vagamon Police Station, Idukki district may file an application before the jurisdictional Court for cancellation of bail.

Sd/-

**GOPINATH P.
JUDGE**

APPENDIX OF BAIL APPL. 2472/2022

PETITIONER ANNEXURES

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| Annexure 1 | THE TRUE COPY OF THE FIR DATED 18/2/2022
IN CRIME NO. 130/2022 OF THE VAGAMON
POLICE STATION |
| Annexure 2 | THE TRUE COPY OF THE FIR DATED 19/2/2022
IN CRIME NO. 131/2022 OF VAGAMON POLICE
STATION |
| Annexure 3 | A TRUE COPY OF THE PETITION DATED 5/3/2022
TO THE DISTRICT POLICE CHIEF, IDUKKI
DISTRICT |
| Annexure 4 | CERTIFIED COPY OF THE ORDER DATED
18/3/2022 FILED BY THE PETITIONERS BEFORE
THE HON'BLE SESSIONS COURT, THODUPUZHA IN
CRL.M.C. NO. 228/2022 |