

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 06TH DAY OF MAY 2020 / 16TH VAISAKHA, 1942

B.A.TMP NO.129 OF 2020

(Crime No.167/2020 of Kilikolloor Police Station, Kollam District)

Petitioners/Accused: 1-5

1. Pradeen @ Podi,  
aged 34 years, S/o Prabhakaran, Chirayil Thodiyil Veedu, Mangad PO, Kollam.(1<sup>st</sup> Accused)
2. Pramod,  
aged 33 years, S/o Tharunan, Thadathivila Veedu, Vidya Nagar-131, Mangad PO, Kollam.(2<sup>nd</sup> Accused)
3. Akhil @ Akku,  
aged 23 years, S/o Jayan, Akhil Nivas, Mangad PO, Kollam.(3<sup>rd</sup> Accused)
4. Ranjith @ Jappan,  
aged 36 years, S/o Raju, Kochupura Kayalvaram, Mangad Nagar-D/30, Mangad PO, Kollam.(4<sup>th</sup> Accused).
5. Arun @ Achu,  
aged 26 years, S/o.Balachandran, Kochuvila Thekkathil, Peroor, TKMC PO, Kottamkara, Kollam(5<sup>th</sup> Accused)

By Advocates: Sri.Nobel Raju, Sri.C.R.Jayakumar, Sri.Raj Carolin.V

Respondents/Complainants:

1. The State of Kerala represented by the Public Prosecutor,  
High Court of Kerala-682 031.
2. The SHO, Kilikolloor Police Station, Kollam-691 015.

BY PUBLIC PROSECUTOR SRI.AJITH MURALI & SRI.SANTHOSH PETER(SR)

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON  
06.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J.**

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B.A.TMP.No.129 of 2020  
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Dated this the 6<sup>th</sup> day of May, 2020

**O R D E R**

This Bail Application filed under Section 438 of Criminal Procedure Code was heard through Video Conference.

2. Petitioners are accused Nos.1 to 5 in Crime No.167 of 2020 of Kilikolloor Police Station, Kollam, registered alleging offences punishable under Sections 143, 147, 148, 452, 294(b), 323, 324, 326 & 427 read with Section 149 of the Indian Penal Code.

3. The prosecution case is that, on 16.2.2020 at about 9 pm., the applicants trespassed into the house of the first informant/victim on the eve of the marriage of the victim's daughter. The 1<sup>st</sup> accused abused and assaulted the first informant/victim by an iron rode. In the meantime, the 2<sup>nd</sup> accused fisted the wife of the victim and the accused 3 to 5 fisted and kicked brother of the first informant and his wife

Vineetha. Thereafter, the accused 1, 3 & 4 damaged the motorcycle belongs to the nephew of the first informant Umesh.

4. The counsel for the petitioners submitted that the incident is not happened as alleged by the prosecution. It was actually a fight between the members of the family and the petitioners were trying to solve the issue. He also submitted that except the 1<sup>st</sup> accused the other accused has no serious overt acts.

5. The learned Public Prosecutor opposed the bail application saying that it is a serious case in which the petitioners trespassed into the house of the 1<sup>st</sup> informant/victim at 9 p.m. on the eve of the marriage of the victim's daughter and attacked the inmates. It is also alleged that the injured sustained fracture on his left hand. The learned Public Prosecutor also submitted that there are other cases registered against the 1<sup>st</sup> accused and there is yet another case registered against the 2<sup>nd</sup> accused under Section

308 of IPC.

6. After considering the contentions raised by the learned counsel for the petitioners and the learned Public Prosecutor, I think bail can be granted to accused Nos.3, 4 and 5. Petitioners 1 and 2 are not entitled for anticipatory bail. It is a case in which they trespassed into the house of the victim on eve of the marriage of his daughter and attacked. He used dangerous weapon. The 2<sup>nd</sup> accused is involved in another grave offence. In such circumstances, I think the petitioners 1 and 2 are not entitled for bail. But anticipatory bail can be granted to the petitioners 3 to 5.

7. Hence the Bail Application filed by petitioners 3 to 5 is allowed with the following directions:

1. Petitioners 3 to 5 shall appear before the Investigating Officer within ten days from today and shall undergo interrogation.
2. After interrogation, if the Investigating Officer propose to arrest petitioners 3 to 5, they shall be released on bail on executing a

bond for a sum of Rs.50,000/-(Rupees Fifty Thousand only) each with two solvent sureties each for the like sum to the satisfaction of the officer concerned.

3. Petitioners 3 to 5 shall appear before the Investigating Officer as and when required. Petitioners 3 to 5 shall co-operate with the investigation and shall not threaten or attempt to influence the witnesses or tamper with the evidence.

4. Petitioners 3 to 5 shall strictly abide by the various guidelines issued by the State Government and Central Government with respect to keeping of social distancing in the wake of declared lock-down.

5. If any of the above conditions are violated by petitioners 3 to 5, the jurisdictional Court can cancel the bail in accordance with law, even though the bail is granted by this Court.

In the result, bail application of petitioners 3 to 5 is allowed and bail application of petitioners 1 and 2 are dismissed.

**P.V.KUNHIKRISHNAN, JUDGE**

skj