

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 27TH DAY OF DECEMBER 2013/6TH POUSHA, 1935

Bail Appl..No. 8507 of 2013 ()

CRIME NO. 1718/2013 OF PATHANAMTHITTA POLICE STATION, PATHANAMTITTA

PETITIONER/ACCUSED NO.9:

KIRAN KUMAR, AGED 26 YEARS,
S/O.GOPALAKRISHNAN NAIR, VADAKEDATHUVEEDU,
MURIMANGALAM, AIRAVON, KONNI.

BY ADVS.SRI.M.T.SURESHKUMAR
SRI.V.V.RAJA

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.N.SURESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27-12-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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BABU MATHEW P.JOSEPH, J

B.A.No. 8507 of 2013

Dated this the 27th day of December, 2013

ORDER

This petition is filed under Section 439 of the Cr.P.C for bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent.

3. The petitioner is the 9th accused in Crime No.1718 of 2013 of Pathanamthitta Police Station. The offences alleged are under Sections 143, 147, 148, 323, 324, 307, 294(b) and 427 r/w Section 149 of IPC. The petitioner was arrested by the police on 25.11.2013 and produced before the Court. He was remanded to judicial custody. He continues to be in custody. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. He has no criminal antecedents. The custodial interrogation of the petitioner was over. The investigation of the case is

almost over. He further submits that the continued custody of the petitioner is not required for completing investigation.

4. The learned Public Prosecutor has opposed this petition. But, he submits, on instructions, that the investigation of the case has progressed much and no criminal antecedents have been reported against the petitioner. On considering the facts and circumstances, stage of the investigation, the period the petitioner has already spent in jail and the fact that no criminal antecedents have been reported against the petitioner, this Court is satisfied that the petitioner can be granted bail imposing appropriate conditions. Therefore, the petitioner is granted bail subject to the following conditions:

1) The petitioner shall be released on bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties each for the like sum to the satisfaction of the concerned Magistrate's Court.

2) The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m.

on all Fridays for a period of two months. The petitioner shall not enter within the limits of Malayalappuzha village for a period of two months.

3) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.

4) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

5) The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

6) The petitioner shall not commit any similar offences while on bail.

7) The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court/Sessions Court.

This application is allowed as above.

Sd/-
BABU MATHEW P. JOSEPH
JUDGE