

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Bail Appl..No. 186 of 2015

**CRIME NO. 1853/2014 OF PALAKKAD TOWN SOUTH POLICE STATION ,
PALAKKAD DISTRICT**

PETITIONER(S)/ACCUSED :

- 1. PRANAV, AGED 19 YEARS,
S/O.SIVAN, KOMBANPURA HOUSE, VENNAKKARA,
NOORNI (POST), PALAKKAD DISTRICT.**
- 2. ANU, AGED 21 YEARS,
S/O.VENU, MANNADI HOUSE, VENNAKKARA,
NOORNI(POST), PALAKKAD DISTRICT.**
- 3. PONNU ALIAS PRASANTH, AGED 21 YEARS,
S/O.VELAYUDHAN, KARIYAMKODE, VARODU P.O.,
KOTTAYI, PALAKKAD.**
- 4. VISHNU, AGED 21 YEARS,
S/O.RAJENDRAN, VISHNU NIVAS, NOORNI P.O.,
PALAKKAD.**
- 5. BAIJU, AGED 23 YEARS,
S/O.LATE VIJAYAN, MANNADI HOUSE, VENNAKKARA,
NOORNI P.O, PALAKKAD.**

BY ADV. SRI.P.K.MOHANAN(PALAKKAD)

RESPONDENT(S)/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI.N.SURESH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

B.SUDHEENDRA KUMAR, J.

Bail Application Nos.186 of 2015 C

Dated this the 25th day of June 2015

ORDER

The petitioners are accused in Crime No.1853/2014 of Palakkad Town South Police Station registered under Sections 143 147, 148, 452, 341, 323, 324, 326 and 294(b) read with Section 149 I.P.C.

2. The prosecution allegation is that on 14.12.2014, the petitioners attacked the *defacto complainant* causing serious injuries on him.

3.The petitioners have filed this application praying for the relief under Section 438 Cr.P.C.

4. Heard.

5. The learned Public Prosecutor has submitted that petitioner Nos.2 to 5 had already been released on bail after their arrest and judicial detention for one day. The first petitioner is yet to be arrested. It has been submitted by the learned Public Prosecutor that no fracture was sustained by the *defacto complainant* in connection with the incident in this case. It has been further submitted by the learned Public Prosecutor that a counter case had been also registered in connection with this case. Considering the facts and circumstances of the case, I am of the view that an order under Section 438 Cr.P.C. in favour of the first petitioner will be justified in this case. Since the other

petitioners have been already arrested, the question of granting the relief under Section 438 Cr.P.C. does not arise at all.

In the result, this application stands allowed as regards the first petitioner and dismissed as regards petitioner Nos.2 to 5 and it is directed that the first petitioner shall be released on bail in the event of his arrest in connection with Crime No.1853/2014 of Palakkad Town South Police Station on condition of the petitioner executing a bond for Rs.30,000/- (Rupees thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Sub Inspector of Police, Palakkad Town South Police Station, before whom the first petitioner shall surrender within ten days from today and subject to the following conditions:

- (i) The first petitioner shall report before the

Sub Inspector of Police, Palakkad Town South Police Station on every Monday between 9 a.m. and 11 a.m. for three months and thereafter, as and when required by the Sub Inspector of Police for interrogation.

(ii) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(iii) The petitioner shall not get involved in any offence while on bail.

sd

**B.SUDHEENDRA KUMAR,
JUDGE**

dl/-

// TRUE COPY //

/PA TO JUDGE /