

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Bail Appl..No. 439 of 2015 ()

**CRIME NO. 1568/2014 OF PARASSALA POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONER/ACCUSED :

**SURESH KUMAR @ SHAJI, AGED 40 YEARS
S/O. DEVASAHAYAM, S.L.BHAVAN, MULLUKARAKADU
KANNANKODE, PARASSUVAKKAL VILLAGE, PARASSALA,
NEYYATTINKARA, THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.SEBASTIAN JOSEPH (KURISUMMOOTIL)
SRI.JOHNSON K.KURIEN**

RESPONDENT/STATE :

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

BY PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B. KEMAL PASHA, J.

.....
B.A. No.439 of 2015
.....

Dated this the 29th day of January, 2015

ORDER

~ ~ ~ ~ ~

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.1568/2014 of Parassala Police Station pending investigation for the offences punishable under Sections 294(b), 326, 307 and 302 IPC.

3. It is alleged that the petitioner had previous enmity towards the deceased. On 18.12.2014, the petitioner served liquor to the deceased. The deceased, on consuming the liquor, became in an intoxicated state. Then, with the intention of doing away with the deceased, the petitioner took the deceased and forcibly put him into a pit, wherein granite stone pieces were lying scattered. The deceased sustained very serious injury to his cervical spine and he died while undergoing treatment at the Medical

College Hospital, Thiruvananthapuram, on 21.12.2014. The petitioner has been in custody for the period from 20.12.2014.

4. Heard learned counsel for the petitioner and the learned Senior Public Prosecutor.

5. No criminal antecedents have been reported against the petitioner. It seems that the investigation of this case is practically over. The continued detention of the petitioner in custody is not required for the continued investigation of this case. Considering the facts and circumstances of this case and having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am satisfied that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of

the concerned Judicial First Class Magistrate's Court, and
subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 05.02.2015 for a period of six months.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

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

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/29/01

// True Copy //

PA to Judge