

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. 449 of 2015 ()

CRIME NO. 626/2014 OF KANAKAKUNNU POLICE STATION,ALAPPUZHA DISTRICT

PETITIONER/2ND ACCUSED:

**VINEESH, AGED 24 YEARS,
S/O.BALAKRISHNAN, SANTHOSH BHAVANAM,
ARATTUPUZHA PANCHAYAT WARD NO:III,
ARATTUPUZHA VILLAGE, ALAPPUZHA DISTRICT.**

BY ADV. SMT.S.L.SYLAJA

RESPONDENT/COMPLAINANT/STATE:

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM DISTRICT-31.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

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

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B.KEMAL PASHA, J.

.....
B.A. No.449 OF 2015

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Dated this the 29th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the second accused in Crime No.626/2014 of the Kanakakunnu Police Station, Alappuzha, registered for the offences punishable under Sections 447 and 308 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 28.10.2014 at 9.30 p.m., they trespassed into the courtyard of the defacto complainant and the first accused indiscriminately inflicted serious cut injuries on the defacto complainant with a sword stick. The allegations against the petitioner is that he was also present along with A1 and he had exhorted him to do away with the defacto

complainant and encouraged and assisted A1 in attacking the defacto complainant. The petitioner has been in custody for the period from 29.12.2014 onwards.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor. Perused the CD.

5. No criminal antecedents have been reported against the petitioner. All the main overt acts are alleged against the first accused. There is no case that the petitioner has made use of any weapon. Continued detention of the petitioner in custody is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of any criminal antecedents on his part, I am of the view 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 ₹25,000/- (Rupees Twenty five thousand 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 three months or till the filing of the final report in this case, whichever is earlier.

(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

ul/-

B.A.No. 449 of 2015

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[True copy]

P.S. to Judge