

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Bail Appl..No. 457 of 2015 ()

**-----
CR.NO.946/2014 OF PARIYARAM MEDICAL COLLEGE POLICE STATION,
KANNUR DISTRICT
-----**

PETITIONER/ACCUSED :

**-----
P.K.BINOY, AGED 55 YEARS
S/O. MUTHUKRISHNAN, KUNNATH HOUSE, PARIYARAM AMSOM
EMBETTU, PALLIMUKKU, KANNUR DISTRICT.**

**BY ADVS.SRI.SUNIL NAIR PALAKAT
SRI.K.N.ABHILASH
SRI.BABU THOMAS (PAZHAYATHOTTATHIL)**

RESPONDENT/STATE & COMPLAINANT:

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

**2. THE STATION HOUSE OFFICER
PARIYARAM MEDICAL COLLEGE POLICE STATION
KANNUR DISTRICT-670 502.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

.....
B.A. No.457 of 2015
.....

Dated this the 2nd day of February, 2015

ORDER

~ ~ ~ ~ ~

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.946/2014 of Pariyaram Medical College Police Station registered for the offences punishable under Sections 341, 326 and 308 IPC.

3. The allegation against the petitioner is that on 25.12.2014 at 8.30 p.m., he clandestinely took the *defacto complainant* to the courtyard of his house as if he wanted to settle the disputes between him and the *defacto complainant*, and unexpectedly he attacked the *defacto complainant* by inflicting serious injuries on his head with chopper. 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.

5. Eventhough 2-3 opportunities were granted to the prosecution to produce the wound certificate of the *defacto complainant*, the wound certificate has not been made available. The petitioner has been in custody for the period from 29.12.2014 onwards. Over and above it, the learned counsel for the petitioner has pointed out that the petitioner had sustained serious injuries in the incident. A copy of the wound certificate of the petitioner has been produced, which shows that the petitioner had sustained injuries on his palm as well as an injury on his scalp. No criminal antecedents have been reported against the petitioner. 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 ₹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 Mondays and Thursdays commencing from 09.02.2015 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)

aks/02/02

// True Copy //

PA to Judge