

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936**

**Bail Appl..No. 531 of 2015**  
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**CRIME NO. 938/2014 OF PUTHENVELIKKARA POLICE STATION,  
ERNAKULAM DISTRICT.**  
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**PETITIONER/ACCUSED NO. 2:**  
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**CLINTON, AGED 22 YEARS,  
S/O.FRANCIS, OLATTUPURATH HOUSE,  
KURISINKAL NALUVAZHY BHAGAM,  
PULIYANTHURUTH KARA,  
PUTHENVELIKKARA VILLAGE,  
THRISSUR DISTRICT.**

**BY ADV. SRI.SHEEJO CHACKO**

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

**BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 24-02-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**mbr/**

**B.KEMAL PASHA, J.**

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B.A. No.531 of 2015

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Dated this the 24<sup>th</sup> day of February, 2015

**ORDER**

Petition filed under Section 439 Cr.P.C.

The petitioner is the 2<sup>nd</sup> accused in Crime No.938 of 2015 of the Puthenvelikkara Police Station, registered for the offences punishable under Sections 143, 147, 148, 323, 324, 326, 506(ii) and 307 read with Section 149 of the Indian Penal Code.

2. The allegation against the petitioner and the other accused is that on 21.12.2014 at 11.45 p.m., they formed themselves into an unlawful assembly armed with deadly weapons like knife, iron-rod etc. and the 1<sup>st</sup> accused repeatedly stabbed the friend of the defacto complainant

named Rinson with a knife on his left eye and face, thereby he lost eye sight of his left eye and one side of his body became paralytic. It is alleged that the 1<sup>st</sup> accused stabbed on the forehead of another friend of the defacto complainant, thereby causing injury and also stabbed on the back of the defacto complainant. The allegation against the petitioner is that with an iron-rod, he beat one of the friends of the defacto complainant, thereby causing injury below his eye. The petitioner has been in custody for the period from 06.01.2015 onwards.

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

5. The contents of the CD reveal that the investigation of this case, as far as the present petitioner is concerned, is practically over. The continued detention of the petitioner in custody is not required for the continued investigation of this case. All the main overt acts are alleged against the 1<sup>st</sup> accused. Matters being so, having regard to the period

undergone by the petitioner in custody and the present stage of the investigation, I am of the view that the petitioner can be enlarged on bail on conditions.

In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for Rs.50,000/- (Rupees fifty 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) Petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 03.03.2015 for a period of six months.

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

(iii) Petitioner shall make himself available for interrogation as and when required by the investigating officer.

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

B.A.No.531 of 2015

-: 4 :-

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**

DSV/24/2/15

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P.A. To Judge