

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

Bail Appl..No. 975 of 2015

CRIME NO. 59/2015 OF VELLARIKUNDU POLICE STATION , KASARGOD

PETITIONER/ACCUSED:

**SREEDHARAN NAIR @ PALOLI SREEDHARAN, AGED 65 YEARS,
S/O. GOPALAKURUPU, PALOLIYIL HOUSE, CHEERKKAYAM
WEST ELERI, VELLARIKUNDU TALUK, KASARAGOD DISTRICT.**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENTS/COMPLAINANT AND STATE:

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. THE STATION HOUSE OFFICER
(CRIME NO.59 OF 2015 OF VELLARIKUNDU POLICE STATION
KASARAGOD DISTRICT)-671315.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

=====

B.A. No.975 of 2015

=====

Dated this the 9th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. The petitioner is the accused in Crime No.59 of 2015 of the Vellarikundu Police Station, registered for the offences punishable under Sections 294(b) and 307 of the Indian Penal Code.

3. The allegation against the petitioner is that on 03.02.2015 at 9.15 a.m., the petitioner abused the defacto complainant and inflicted a cut on the left side of his neck with a chopper, thereby causing a very serious injury. It seems that the defacto complainant has marginally

escaped. The petitioner has been in custody of the period from 09.02.2015 onwards.

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

5. No criminal antecedents have been reported against the petitioner. The allegations against the petitioner are very grave and serious. It seems that the defacto complainant has sustained an incised wound measuring 4x1cm, exposing the underlying muscles and vessels, over the left side of his neck at its upper part behind the ear. It seems that the incident was the result of a property dispute. The investigation of this case is practically over. The continued detention of the petitioner is not required for the continued investigation of this case. Having regard to the period undergone by the petitioner in custody, and considering the facts and circumstances of the case and the present stage of the investigation, and also the absence of any criminal antecedents on his part, I am of the view that the petitioner can be enlarged on bail on strict 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) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Mondays and Thursdays commencing from 16.03.2015 for a period of six months.

(ii) Except for observing condition No.(i), as mentioned above, the petitioner shall not enter the local limits of the Vellarikundu Police Station for a period of six months.

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

(iv) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(v) 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

DSV/9/3/15

//True Copy//

P.A. To Judge