

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Bail Appl..No. 1120 of 2015 ()

CRIME NO. 358/2015 OF KAYAMKULAM POLICE STATION, ALAPPUZHA DISTRICT.

.....

PETITIONER/ACCUSED NO.9:

**VISHNU, AGED 26 YEARS,
S/O. SURESHBABU, INDIRALAYATHIL,
KANNAMBALLY BHAGOM,
KEERIKADU VILLAGE, KAYAMKULAM.**

**BY ADVS.SRI.S.RAJEEV,
SRI.K.K.DHEERENDRAKRISHNAN,
SRI.V.VINAY.**

RESPONDENT & STATE:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
(CRIME NO. 358/2015 OF KAYAMKULAM POLICE STATION,
ALAPPUZHA DISTRICT).**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B. KEMAL PASHA, J.

.....
B.A. No.1120 of 2015
.....

Dated this the 5th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 9<sup>th</sup> accused in Crime No.358/2015 of Kayamkulam Police Station registered for the offences punishable under Sections 324 and 308 read with Section 34 IPC.

3. The allegation against the petitioner and the other accused is that on 08.02.2015 at 2.30 p.m. they, in furtherance of their common intention, attacked the de facto complainant. It is alleged that the accused made use of sword sticks and inflicted injuries on the head of the de facto complainant. When he ran away, he was chased and cuts were inflicted on his buttocks and left thigh. The friends of the de facto complainant were also attacked and very serious injuries were inflicted on them. The petitioner has

been in custody for the period from 13.02.2015.

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

5. It seems that no specific overt acts have been alleged against the petitioner. There is no allegation that the petitioner has made use of any weapon. The investigation of this case, as far as the petitioner is concerned, is practically over. The continued detention of the petitioner in custody is not required for the continued investigation of this case. No criminal antecedents have been reported against the petitioner. Considering all the above, 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 12.03.2015 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/05/03

*// True Copy //*

*PA to Judge*