

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

Bail Appl..No. 1247 of 2015 ()

CRIME NO. 8/2015 OF PUTHUKKAD POLICE STATION, THRISSUR DISTRICT

PETITIONER/ACCUSED:

**ALBIN, AGED 22 YEARS,
S/O.AMBAS, CHEETTIPARAMBAN HOUSE,
ATHOOR KALLOOR VILLAGE, THRISSUR.**

BY ADV. SRI.K.S.RAJEEV (ALUVA)

RESPONDENT/STATE/COMPLAINANT:

**STATE OF KERALA
THROUGH SUB INSPECTOR OF POLICE,
PUTHUKKAD POLICE STATION,
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 12-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

K. ABRAHAM MATHEW, J.

B.A. No. 1247 of 2015

Dated this the 12th day of May, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the first accused in Crime No. 8/2015 of Puthukkad Police Station registered for the offences under Sections 341, 323, 324, 506 (ii), 294 (b) and 308 read with Section 34 of the Indian Penal Code. The allegation is that he along with the co-accused assaulted the victim with a sword.

3. The learned counsel submits that in the First Information Statement there is no allegation that it was the petitioner who assaulted the victim with the sword and all other accused have been granted anticipatory bail by this court for the reason that they did not use any weapon.

4. Heard.

5. The name of the petitioner is mentioned in the First Information Statement. It is stated that the victim had acquaintance with him. Still there is no mention in the FI statement that it was the petitioner who attacked the victim

with the sword. The version in the FI statement is that the person who used the sword was one who could be identified. If that was the petitioner, his name would have been mentioned. Having regard to these facts, I am satisfied that like the other accused, the petitioner also is entitled to anticipatory bail.

In the result, this application is allowed.

1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs. 25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2) He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.

3) He shall not destroy or tamper with evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

K. ABRAHAM MATHEW
JUDGE

DMR/-