

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

FRIDAY, THE 17TH DAY OF APRIL 2015/27TH CHAITHRA, 1937

Bail Appl..No. 1803 of 2015 ()

CRIME NO. 395/2015 OF PAYYANNUR POLICE STATION, KANNUR DISTRICT

PETITIONERS/ACCUSED NO. 1 TO 3 :

- 1. PRASAD M., AGED 35 YEARS
S/O.T.GOVINDAN, THAYAMBATH HOUSE, THEKKE MAMBALAM
PAYYANNUR AMSOM, KANNUR DISTRICT.**
- 2. SUNEESH K., AGED 34 YEARS,
S/O.THAMBAN, VALIYA VEETIL HOUSE, THEKKE MAMBALAM
PAYYANNUR AMSOM, KANNUR DISTRICT.**
- 3. V.V. VINOD, AGED 40 YEARS
S/O.DAMODARAN, VAYALILE VEEDU HOUSE, THEKKE MAMBALAM
PAYYANNUR AMSOM, KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENTS/COMPLAINANT & STATE :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE STATION HOUSE OFFICER
(CRIME NO.395 OF 2015 OF PAYYANUR POLICE STATION)
KANNUR DISTRICT, PIN - 670 001.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. SEENA RAMAKRISHNAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

C.T.RAVIKUMAR, J

B.A. No. 1803 of 2015

Dated this the 17th day of April, 2015

ORDER

This is an application filed under section 439 of the Code of Criminal Procedure. The petitioners are accused Nos. 1 to 3 in Crime No. 395/2015 of Payyannur Police Station in Kannur District. They are allegedly committed offences under sections 143, 147, 148, 341, 323, 324, 307 and r/w section 149 of the Indian Penal Code.

2. The case of the prosecution is that on 17.3.2015 at 19.45 hours while the defacto complainant along with his friend was proceeding to his house in a Motor Cycle the petitioners along with the 4th accused and three other identifiable persons intercepted the vehicle and attacked the defacto complainant with deadly weapons. The second accused had beaten him with iron rod after the defacto complainant was restrained wrongfully by the first accused/first petitioner. Accused Nos.1 and 3 chopped him with sword and attempted to kill him. The petitioners were arrested on 18.3.2015 and since then they have been in judicial custody. The

learned counsel appearing for the petitioners submitted that there is no serious injuries were sustained by the defacto complainant and the non-bailable offences were incorporated only to object bail. The learned Public Prosecutor submitted that the Wound Certificate would reveal that the defacto complainant had sustained only a lacerated wound. Taking into account the nature of the offence revealed from the Wound Certificate and the rival submissions I am of the view that the petitioners can be enlarged on bail subject to the following conditions:-

(i) The petitioners shall be released on bail on their executing a bond for Rs.75,000/- (Rupees seventy five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the court of the Judicial First Class Magistrate, Payyannur.

(ii) The petitioners shall report before the Investigating Officer on every Tuesdays between 9 am to 11 am for a period of two months and thereafter as and when their presence is required by the Investigating Officer.

(iii) Petitioners shall not leave the limits of the Kannur District without obtaining prior permission from the Investigating Officer.

(iv) The petitioners shall not tamper or attempt to tamper with the evidence or influence or try to influence the witness.

Sd/-

C.T.RAVIKUMAR,JUDGE.

dlk