

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

Bail Appl..No. 2351 of 2015 ()

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CRIME NO. 1860/2011 OF PALARIVATTOM POLICE STATION.**

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PETITIONER/ACCUSED:

**BABU @ BABULAL, AGED 40 YEARS,
S/O.LALAN, H.NO.167, SANTHIPURAM COLONY,
THAMMANAM KARA, PUNITHURA VILLAGE,
KANAYANNOOR THALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.P.VANILKUMAR.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY S.I. OF POLICE,
PALARIVATTOM POLICE STATION,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.ROY THOMAS.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

P. UBAID, J.

B.A.No.2351 of 2015

Dated this the 8th day of May, 2015

O R D E R

The petitioner herein seeks regular bail under section 439 Cr.P.C. as a sole accused in Crime No.1860/2011 of the Palarivattom Police Station, registered under Sections 308, 323 and 324 IPC.

2. Prosecution case is that at about 11.50 p.m. on 07.10.2011, the petitioner assaulted the defacto complainant, and inflicted some injuries on his body with weapons, with the knowledge of consequences that the injuries may cause death. The petitioner has been in custody since 31.03.2015. On final report, the committal court has taken cognizance as C.P.No.3/2013. Now, it is submitted that the learned Magistrate has already committed the case, and the files are yet to be transmitted to the Court of Session. The petitioner's application for bail was dismissed by the learned Sessions Judge, Ernakulam on 09.04.2015.

3. On hearing both sides and on a perusal of materials, I

find that the petitioner can be released on appropriate conditions. I do not find any absolute necessity of his continuous detention for the purpose of trial. Apprehension of the prosecution is that the accused will abscond, if he is now released. Such a possibility can be averted by imposing appropriate conditions.

In the result, this bail application is allowed. The petitioner will be released on bail on his executing a bond with two solvent sureties for Rs.40,000/- (Rupees Forty Thousand only) each to the satisfaction of the learned trial Judge, or the learned Magistrate, if the case is still before the committal court. Bail is granted on condition that the petitioner shall not leave the limits of this State without permission of the trial court, that he shall surrender his passport in the trial court, and that he shall make a security deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) in the trial court. The amount of security deposit will be released on conclusion of trial. It will be liable to forfeiture in case of his absence during trial without execution.

Sd/-

P. UBAID, JUDGE

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