

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. 2390 of 2015 ()

CRIME NO. 174/2015 OF ADOOR POLICE STATION , PATHANAMTHITTA DISTRICT

PETITIONER/3RD ACCUSED:

**SHAMON @ THOUFEEK, AGED 29 YEARS,
S/O.MINIMOLE, MATTATHUKIZHAKETHIL VEEDU,
PARAKODU MURI,ADOOR VILLAGE,
PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS/COMPLAINANTS/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031**
- 2. THE SUB INSPECTOR OF POLICE,
ADOOR POLICE STATION,
PATHANAMTHITTA DISTRICT- 689 645**

BY SR PUBLIC PROSECUTOR SMT. SAREENA GEORGE

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

sts

P.UBAID, J

Bail Appln.No.2390 of 2015

Dated this the 8th day of May, 2015

ORDER

The petitioner herein is the 3rd accused in Crime No.174/2015 of Adoor Police Station, registered under Sections 341, 427, 308 and 34 IPC. He seeks regular bail under Section 439 of the Code of Criminal Procedure. The application filed by him for regular bail was dismissed by the learned Judicial First Class Magistrate, Adoor on 21.04.2015. The petitioner has been in judicial custody since 14.04.2015.

2. Prosecution case is that the petitioner assaulted the defacto complainant and inflicted serious injuries on his body with weapon. It is submitted that the first accused has already been jailed by the Court. In the particular facts and circumstances I find that the petitioner can be appropriately released, however the benefits cannot given to the second accused who is yet to be arrested.

3. This application for regular bail is opposed by the learned Public Prosecutor on the ground that investigation is still in progress, and that if the accused is now released, it will definitely obstruct the investigation.

4. On hearing both sides, and on a perusal of the

materials including the case diary I find that investigation in this case is practically over, and that the petitioner can be now released on appropriate conditions. On a perusal of the case diary, I find that the investigating officer has already questioned the material witnesses and has recovered the material properties. However, the petitioner will have to be directed to report before the investigating officer till investigation is over, to ensure that the remaining part of investigation is not in any manner obstructed. I find that the police has already collected the necessary materials as part of investigation, and I do not find the necessity of continued detention of the petitioner in custody.

5. In the result, this application for bail is allowed. The petitioner will be released on bail on his/their executing bond with two solvent sureties for ₹25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial First Class Magistrate concerned. Bail is granted on condition that

- a) The petitioner shall report before the investigating officer between 10 am. and 11 am. on all Thursdays for a period of two months.

b) The petitioner shall not in any manner influence or intimidate the material witnesses, and he shall not have any contact with the material witnesses directly or over telephone or otherwise.

c) The petitioner will make a security deposit of ₹10,000/- in the court below as a further condition for bail. The amount of security deposit will be released on conclusion of trial. It will be subject to forfeiture in case of absence during trial without sufficient reason.

d) The second accused who is yet to be arrested, will not in any manner get the benefits of this order.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE