

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.HARILAL**

**WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937**

**Bail Appl..No. 3752 of 2015**  
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**CRIME NO. 1988/2015 OF KAYAMKULAM POLICE STATION, ALAPPUZHA DISTRICT.**  
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**PETITIONER/ACCUSED NO.1:**  
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**SARATHKUMAR, AGED 35 YEARS,  
S/O.SASIDHARAN, CHELAPURATH VEEDU,  
KANNAMPALLYBHAGAM MURI, KEERIKADU VILLAGE.**

**BY ADV. SMT.V.P.SATHI**

**RESPONDENT/COMPLAINANT:**  
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**STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 01-07-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**mbr/**

**K. HARILAL, J.**

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**B.A. No.3752 of 2015**  
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**Dated this the 1<sup>st</sup> day of July, 2015**

**ORDER**

This is an application for regular bail filed under Sec.439 of the Code of Criminal Procedure.

2. The petitioner is the 1<sup>st</sup> accused in Crime No.1988/15 of Kayamkulam Police Station, Alappuzha District. The offences alleged against the accused is under Secs.324, 308, 427 read with Sec.34 of the Indian Penal Code.

3. The prosecution case is that on 17/6/2015 at 8.20 p.m., the accused Nos.1 and 2, due to previous enmity towards the de facto complainant in connection with the dispute over a pathway proceeding along the property of the de facto complainant and in

furtherance of their common intention to assault the de facto complainant, the accused destroyed the fencing constructed at the boundary of the pathway to the property of the de facto complainant. Further allegation is that the 1<sup>st</sup> accused hit on the left side of the head of the de facto complainant using a spade. The 2<sup>nd</sup> accused hit on the knee and below knee of the de facto complainant using an iron rod. Further they caused destruction of the fencing and thereby the de facto complainant sustained a loss of ₹5,000/-. The petitioner was arrested and produced before court on 17/6/2015 and was remanded to judicial custody.

4. The learned counsel for the petitioner submits that he is innocent of the allegations levelled against him and he is falsely implicated in the crime at the instance of the de facto complainant. Now the investigation is practically over and the continued detention is not necessary for further investigation and he is ready to co-operate with the investigation so also he is ready to abide by any condition to be

imposed by this Court.

5. The learned Public Prosecutor, on instructions, submits that the petitioner was arrested and remanded to judicial custody on 17/6/2015 and if he is released on bail, he may tamper with the evidence and influence the witnesses, who are acquainted with the facts and circumstances of this case.

6. Having regard to the prosecution case, the present stage of investigation and the duration of the period in which he had already undergone pre-trial incarceration, I find that bail can be granted to the petitioner on conditions. Hence this application will stand allowed on the following conditions:

(i) The petitioner shall be released on bail on his executing a bond for ₹50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Judicial First Class Magistrate, Kayamkulam.

(ii) The petitioner shall report

before the Investigating Officer as and when required.

(iii) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses.

If any of the conditions is violated, the bail granted to the petitioner shall stand cancelled and the learned Magistrate concerned on being satisfied of the said fact, may take steps as are available to him in law.

Sd/-  
**(K. HARILAL, JUDGE)**

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P.S. to Judge