

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

Bail Appl..No. 3864 of 2015 ()

**CRIME NO. 589/2015 OF PALLIKKAL POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER(S)/ACCUSED:

- 1. SABARINATH,
S/O.SIVADASAN PILLAI, AGED 20 YEARS,
THEKKATHIL VEEDU, SEEMANTHAPURAM,
VELLALLOOR VILLAGE, THIRUVANANTHAPURAM DISTRICT.**
- 2. SHINS, S/O.BANERJEE,AGED 22 YEARS,
KRISHNALAYAM, NJARAYILKONAM,MADAVOOR,
PALLIKKAL, THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 31.**
- 2. THE SUB INSPECTOR OF POLICE,
PALLIKKAL POLICE STATION,
THIRUVANANTHAPURAM DISTRICT. PIN-695 041**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

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

sts

K. ABRAHAM MATHEW, J.

B.A. No.3864 of 2015

Dated this the 7th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 323, 324, 326, 427 read with Section 34 of the Indian Penal Code.

3. The prosecution case is that they assaulted the victim with the handle of a spade causing fracture of his bones.

4. Heard.

5. The victim sustained two fractures, on right little finger and the right wrist. The prosecution has no case that the first petitioner was armed with weapon. On the other hand, it was the second petitioner who assaulted the victim with the weapon and the weapon has not been recovered. So I am inclined to grant the prayer of the first petitioner but not of the other petitioner.

In the result, this application is allowed in part.

1. The first 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 for the like sum each if he is arrested by the police in connection with this case.

2. He shall appear before the investigating officer between 10 a.m to 11 a.m on every alternate Wednesdays for four months or till the final report is filed whichever is earlier.

3. He shall not get himself involved in any other criminal case while he is on bail.

4. He shall not intimidate or attempt to influence the witnesses.

5. 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 law.

If the first petitioner surrender before the Magistrate this order is not applicable and the learned magistrate may pass appropriate orders.

The application is dismissed so far as the second petitioner is concerned.

sd/-
K. ABRAHAM MATHEW
JUDGE