

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

Bail Appl..No. 4193 of 2015 ()

CRIME NO. 724/2015 OF KOTTIYAM POLICE STATION, KOLLAM DISTRICT

PETITIONER/6TH ACCUSED :

**PRASANTH
AGED 24 YEARS (A5), S/O.SADASIVAN,
AMBANATTUVILA PUTHEN VEEDU
NEDUMBANA P.O., KANNANALLOOR,
KOLLAM DISTRICT.**

**BY ADVS.SRI.BINU GEORGE
SMT.HEMALATHA**

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

B.A. No.4193 of 2015

Dated this the 4th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 5th accused in Crime No.724 of 2015 of Kottiyam Police Station, Kollam District. He along with the co-accused is accused of having committed the offences under Sections 143, 147, 148, 2949b), 324, 326, 307 read with Section 149 of the Indian Penal Code.

3. The prosecution case is that the accused assaulted the victim with a cricket bat and stump causing fracture of his frontal bone.

4. Heard.

5. It appears that the assault was not a pre-planned one. There is no allegation that the petitioner used any weapon. The weapon has already been recovered. Having regard to these facts I am inclined to grant the prayer of the petitioner for anticipatory bail.

In the result, this application is allowed.

1. The 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 each for the like sum 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 every alternate Wednesday for two 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 the evidence.

6. He shall surrender his passport before the lower court concerned of if he does not have one, he shall file an affidavit to that effect within five days of his release.

7. He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

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 petitioner surrenders before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

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PA to Judge