

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Bail Appl..No. 4396 of 2015 ()

**CRIME NO. 1765/2014 OF KOTTIYAM POLICE STATION,
KOLLAM DISTRICT**

PETITIONER/ACCUSED NO.3 :

**RIYAS, AGED 30 YEARS,
SON OF JALALUDEEN, RESIDING AT CHERIYAZHIKAM VEEDU,
MANAKKADU, VADAKKEVILA P.O., KOLLAM DISTRICT.**

**BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)
SRI.S.SREEKUMAR (KOLLAM)
SRI.ANIL ELGIN
SRI.S.VINCENT
SRI.S.JOSE
SMT.SHEENAMOL VARGHESE**

RESPONDENT/STATE :

**THE STATE OF KERALA
REPRESENTED THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM
THROUGH THE SUB-INSPECTOR OF POLICE,
KOTTAYAM POLICE STATION, KOLLAM DISTRICT.**

BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH

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

bp

K. ABRAHAM MATHEW, J.

=====

B.A.No. 4396 of 2015

Dated this the 5th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is said to have committed the offences under Sections 143, 147, 148, 323, 324, 325 and 308 read with Section 149 of the Indian Penal Code. The prosecution case is that he along with the co-accused assaulted the victim with an iron rod causing him serious injuries.

3. Heard.

4. There is no allegation that the petitioner used any weapon. The incident occurred on the spur of the moment. It was not a preplanned one. So , I am inclined to grant his prayer.

In the result, this application is allowed.

1)The petitioner shall be released on bail 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 surrender his passport before the lower court concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.

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

4)He shall appear before the Investigating Officer

between 10 a.m. and 11 a.m. every Friday for three months or till the final report is filed, whichever is earlier.

5)He shall not destroy or tamper with evidence.

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

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

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge