

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Bail Appl..No. 4685 of 2015

ORDER IN CRMP 3596/2015 OF THE DIST. & SESSIONS COURT, ALAPPUZHA DATED
23.7.2015

ORDER IN CRMP 3597/2015 OF THE DIST. & SESSIONS COURT, ALAPPUZHA DATED
23.7.2015

CRIME NO. 714/2015 OF VALLIKUNNAM POLICE STATION, ALAPPUZHA

PETITIONER/ACCUSED (A1):

SANJITH SOMAN, AGED 22 YEARS
S/O. SOMAN, MUNDALATHU VEEDU, MANJADITHARA
PALLIKKEL, BHARANIKAVU VILLAGE, MAVELIKARA TALUK.

BY ADV. SRI.K.JAISHANKAR

RESPONDENTS/COMPLAINANTS:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE
MAVELIKARA.

BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

Bail Appl..No. 4685 of 2015

APPENDIX

ANNEXURES

A1- TRUE PHOTOCOPY OF THE ORDER DATED 22.7.2015 IN CRL.M.P.3596 OF 2015 BY THE HONOURABLE SESSIONS COURT, ALAPPUZHA

A2- TRUE PHOTOCOPY OF THE DISCHARGE CARD OF THE PETITIONER ISSUED FROM ST.GREGORIO MISSION HOSPITAL, PARUMALA.

//True copy//

P.S. To Judge

RAJA VIJAYARAGHAVAN.V. J

B.A.4685 of 2015

Dated 19th October, 2015

ORDER

- 1.This petition is filed u/s 438 of the Code of Criminal Procedure.
- 2.The petitioner herein is the 1st accused in Crime No.714 of 2015 of Vallikunnam police station. The said crime has been registered alleging commission of offence punishable u/s 143, 147, 148, 149, 294(b), 323, 324, 365, 427, 342 and 307 IPC.
- 3.The prosecution allegation is that the petitioner, along with 11 others, assaulted the victim with weapons like iron rods and wooden sticks causing him serious injuries.
- 4.Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

5. The learned counsel for the petitioner has produced the bail order dated 6.8.2015 in B.A.4608 of 2015 of this court issued in favor of the 5th accused. As per the said order, this Court had granted anticipatory bail holding that the wound certificate of the victim revealed only minor injuries. There is also an observation in the said order that the story narrated by the victim is a highly exaggerated one. It is basing on the above, that relief of pre-arrest bail was granted to the 5th accused. Having gone through the materials, I do not find any reason to take a different view of the matter.

6. In the result, the Bail application is allowed subject to the following conditions:-

- i). The petitioner shall be released on bail after interrogation on his executing a bond for 25,000/- with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

(ii). He shall appear before the Investigating Officer between 10.00 am to 11.00 am every Wednesday for three months or till the final report is filed, whichever is earlier.

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

(iv). He shall not intimidate or attempt to influence the witnesses.

(v). He shall not destroy or tamper with the evidence.

(vi). 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.

(vii). 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/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCS

//True copy//

P.S. To Judge