

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

Bail Appl..No. 4775 of 2015 ()

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CRIME NO. 777/2015 OF KAZHAKUTTOM POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.**

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PETITIONER/A2:

**SUBASH, AGED 25 YEARS,
S/O.VASUDEVAN, ANOOR VEEDU,
VADAKKUM BHAGOM, KAZHAKUTTOM. P.O.,
THIRUVANANTHAPURAM.**

BY ADV. SRI.SHAJIN S.HAMEED.

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY THE SUB-INSPECTOR OF POLICE,
KAZHAKUTTOM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

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B.A.No. 4775 of 2015

Dated this the 13th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No. 777 of 2015 of Kazhakuttom Police Station registered for the offences under Sections 341, 323, 324, 326, 392 read with Section 34 of the Indian Penal Code. It is alleged that he along with the co-accused wrongfully restrained the victim and assaulted him with hands and a helmet causing him serious injuries. It is also alleged that the victim lost a gold chain worth Rs.50,000/- in the incident.

3. Heard.

4. It appears that the attack was not a pre-planned one. It was the first accused who used the helmet. The petitioner only assaulted the victim with hands. In these circumstances, I am inclined to grant the prayer of the petitioner.

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 one month or till the final report is filed, whichever is earlier.

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

6)He shall not destroy or tamper with evidence.

7)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