

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 11TH DAY OF SEPTEMBER 2015/20TH BHADRA, 1937

Bail Appl..No. 5271 of 2015 ()

CRIME NO. 1637/2015 OF KALADY POLICE STATION , ERNAKULAM DISTRICT

PETITIONER/1ST ACCUSED:

**SUBIN, AGED 24 YEARS,S/O. BABU,
KOOLIKKADAN HOUSE, AAKKUNNU BHAGAM,
NADUVATTOM, MANJAPRA, ERNAKULAM DISTRICT.**

**BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.MUHAMMED HUSSAIN**

RESPONDENT/STATE:

**THE STATE OF KERLA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING S.H.O KALADY POLICE STATION,
ERNAKULAM DISTRICT.**

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A.No.5271 of 2015

Dated this the 11th day of September, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.1637 of 2015 of Kalady Police Station registered for the offences punishable under Sections 341 and 326 r/w Section 34 of the Indian Penal Code. He surrendered before the court on 22.07.2015. He is in custody from that day.

3. Prosecution case is that on 08.06.2015 at 09.30 p.m., he along with the other accused assaulted the *de facto* complainant with an iron rod causing fracture of a bone.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. Learned counsel for the petitioner submitted that the second accused was arrested and released on bail.

6. Learned Public Prosecutor submitted that

investigation has advanced to a considerable extent.

7. Considering the nature of allegations and stage of investigation, I am inclined to grant bail to the petitioner with the following conditions:

- (a) The petitioner shall be released on bail on his executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (b) The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (d) The petitioner shall not intimidate or attempt

to influence the witnesses.

- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) Petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge