

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 5288 of 2015 ()

CRIME NO. 679/2015 OF KUMARAKOM POLICE STATION,KOTTAYAM DISTRICT

PETITIONER/ACCUSED NO.2:

**AROMAL, S/O. BAIJU,AGED 19 YEARS,
EEZHAKAVIL HOUSE, KUMARAKOM P.O.,
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.P.P.THAJUDEEN
SRI.MANSOOR.B.H.**

RESPONDENTS/COMPLAINANT/STATE:

**STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING THROUGH STATION HOUSE OFFICER,
KUMARAKOM POLICE STATION, KOTTAYAM DISTRICT.**

BY PUBLIC PROSECUTOR SRI.ABHIJETT LESSLIE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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RAJA VIJAYARAGHAVAN V, J.

B.A.No.5288 of 2015

Dated this the 30th day of October, 2015

ORDER

This is an application for anticipatory bail filed under S.438 of the Code of Criminal Procedure.

2. The petitioner is the second accused in Crime No.679 /2015 of Kumarakom Police Station. The said crime has been registered for offence punishable under S.323, 324, 307 r/w S.34 of the IPC.

3. The gist of the allegation is that, on 08.08.2015 the petitioner along with 2 other persons attacked the de facto complainant and caused injuries to him. The earliest records would reveal that the first accused in the aforesaid crime had inflicted injuries using an axe and the petitioner is alleged to have fisted the de facto complainant.

4. I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.

5. The learned counsel appearing for the petitioner has submitted that the first accused against whom more grave allegations were levelled, has been enlarged on bail by this Court as per order dated 07.09.2015 in B.A.No.5312/2015. On that basis, it was submitted that the petitioner also be granted identical reliefs.

6. After having considered the rival submissions, the nature and gravity of the allegations, the antecedents of the petitioner and the other circumstances, I am of the considered view that anticipatory bail can be granted to the petitioner by imposing appropriate conditions.

In the result, this application is allowed, but subject to the following conditions:

i) The petitioner shall appear before the Investigating Officer within a period of two weeks and submit himself for interrogation. Thereafter he shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for

the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in Crime No.679/2015 of Kumarakom police station.

ii) The sureties shall produce documents to establish their identity and solvency.

iii) Petitioner shall appear before the Investigating Officer as and when directed for the purpose of investigation in the matter.

iv) He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the learned Magistrate having jurisdiction is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

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[True copy]

P.A to Judge