

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937**

**Bail Appl..No. 5395 of 2015 ()**

**CRIME NO. 1906/2015 OF KAYAMKULAM POLICE STATION,  
ALAPPUZHA DISTRICT**

**PETITIONER/ACCUSED NO.12 :**

**NIDHIN, AGED 26 YEARS, S/O BABU,  
THARAYIL PADEETTATHIL, CHERAVALLY MURI,  
KAYAMKULAM VILLAGE, ALAPPUZHA DISTRICT**

**BY ADVS.SRI.R.PADMAKUMAR  
SRI.P.ARAVIND**

**RESPONDENT/COMPLAINANT :**

**STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682 031**

**BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 10-09-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**bp**

**A.HARIPRASAD, J.**

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**B.A No.5395 of 2015**  
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**Dated this the 10<sup>th</sup> day of September, 2015.**

**ORDER**

Application for bail under Section 439 Cr.P.C.

2. Petitioner is the 12<sup>th</sup> accused in crime No.1906/2015 of Kayamkulam Police Station registered for offences punishable under Sections 120B, 115, 143, 147, 148, 341, 324, 326, 307 and Section 5(a) and 27(1) of the Arms Act. The petitioner was arrested on 04-07-2015.

3. Prosecution case, in short, is that accused 6 to 11 conspired together to attack the defacto complainant with deadly weapons. Thereafter, he was hospitalized. At that time, the petitioner informed movements of the defacto complainant to the third accused.

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

5. Prosecution has no case that he is an active

participant in the attempt to commit murder and other grave offences. Learned counsel for the petitioner submitted that the petitioner is not involved in any case so far. He is falsely implicated in the crime. Learned Public Prosecutor opposed the bail application. Considering the nature of allegations and the fact that prosecution has no case that he is an active participant in the crime and also considering the number of days undergone in custody, I find that bail can be granted to the petitioner with following strict conditions :

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

final report is filed.

4. The petitioner shall not indulge in any offence while on bail.
5. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

amk

Sd/-  
**A.HARIPRASAD,**  
**JUDGE.**

//True copy//

P.A to Judge