

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

Bail Appl..No. 5494 of 2015

CRIME NO. 394/2015 OF NEDUPUZHA POLICE STATION , THRISSUR

PETITIONER(S)/4TH ACCUSED :

**SREERAJ, AGED 19 YEARS,
S/O. DHARMARAJAN, THARAYIL HOUSE,
KANIMANGALAM VILLAGE,
THRISSUR DISTRICT.**

BY ADV. SRI.RAJESH CHAKYAT

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. THE SUB INSPECTOR OF POLICE,
NEDUPUZHA POLICE STATION, THRISSUR DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A.No.5494 of 2015

Dated this the 15th day of September, 2015

ORDER

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

2. Petitioner is the 4th accused in Crime No.394 of 2015 of Nedupuzha Police Station registered for the offences punishable under Sections 341, 323, 506(ii) and 308 r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that due to enmity between the petitioner and the *de facto* complainant, the petitioner along with other accused on 17.03.2015 at about 09.00 a.m., restrained the *de facto* complainant and his friends who were coming on a motor cycle and the petitioner threatened to kill them by showing a sword and beat them.

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

5. Learned counsel for the petitioner submitted that the petitioner was initially arrested in the crime on

29.03.2015 and was released on bail on 23.04.2015. Thereafter, the Investigating Officer due to his ill will filed a petition before the Magistrate for cancelling the bail granted to the petitioner. Pursuant to that request his bail was cancelled and he surrendered before the court on 28.07.2015. From that day onwards, he is in custody.

6. Learned Public Prosecutor opposed the bail application contending that he disobeyed the bail conditions and that was why his bail was cancelled. That apart, he is involved in 4 other offences.

7. Considering the nature of allegations, the petitioner is released on bail with the following stringent 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) One of the sureties shall be either one of the parents or siblings of the petitioner.
- (d) 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.
- (e) The petitioner shall not intimidate or attempt to influence the witnesses.
- (f) The petitioner shall not in any manner interfere or meddle with the investigation.
- (g) 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