

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

Bail Appl..No. 5534 of 2015 ()

CRIME NO. 95/2015 OF MANNANCHERI POLICE STATION, ALAPPUZHA DISTRICT

PETITIONER/IST ACCUSED :

**SHARON, AGED 26 YEARS
S/O. GIREESH, MARIYANANDANAM,
KOZHENCHERRY EAST P.O.
KOZHENCHERRY, PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.P.SREEKUMAR
SRI.SOORAJ T.ELENJICKAL
SRI.K.NANDAKUMAR
SMT.V.A.HARITHA
SMT.MARY RESHMA GEORGE
SMT.P.M.MAZNA MANSOOR**

RESPONDENT/COMPLAINANT :

- 1. SUB INSPECTOR OF POLICE
MANNANCHERRY POLICE STATION
ALAPPUZHA DISTRICT-688 538.**
- 2. THE CIRCLE INSPECTOR OF POLICE
MARARIKULAM, ALAPPUZHA DISTRICT-688 549.**
- 3. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

R1 TO R3 BY SR. PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.5534 of 2015

Dated this the 8th day of October, 2015.

ORDER

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

2. Petitioner is the first accused in Crime No.95/2015 of Mannancherry Police Station registered for offences punishable under Sections 143, 144, 147, 148, 447, 342, 324, 326, 302, 118, 150, 120(B), 212 and 201 r/w Section 149 I.P.C and Section 20 r/w Section 27 of the Arms Act.

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

4. Prosecution case, in short, is that the accused persons due to enmity towards the deceased Venugopal, who was an accused in a murder case wherein the husband of the 7th accused was murdered, formed themselves into an unlawful assembly armed with deadly weapons and in furtherance of their common object committed murder of the deceased in this case by

inflicting cut injuries. The incident was on 29-01-2015 at about 6.30 a.m. The petitioner was arrested on 04-02-2015.

5. Learned Public Prosecutor opposed the bail application contending that the 7th accused entrusted the task of killing the deceased for an amount of Rs.5,00,000/- and henchman of this petitioner committed the gruesome incident in the case. Petitioner is involved in two other crimes. Learned counsel for the petitioner submitted that he was falsely implicated in one crime after the registration of this crime and he was involved in another crime not of a very serious nature. Considering the fact that he is in custody from 04-02-2015 and the fact that the matter is pending in committal proceedings, I find that bail can be granted to this petitioner with following strict conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Sessions Judge having jurisdiction.

2. The sureties shall produce documents to establish their identity and solvency. The learned Judge 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 for a period of three months.
4. The petitioner shall surrender his passport, if any. If he does not have a passport, he shall file an affidavit stating that fact before the learned Magistrate having jurisdiction.
5. The petitioner shall not enter the limits of Alappuzha District for a period of three months except for the purpose of appearing before the court/investigating officer.
4. The petitioner shall not indulge in any offence while on bail.
6. 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 Sessions Judge is free to cancel bail without referring the matter to this Court.

Sd/-
A.HARIPRASAD,
JUDGE.