

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Bail Appl..No. 5760 of 2015

**CRIME NO. 617/2015 OF ARUVIKKARA POLICE STATION,
THIRUVANANTHAPURAM**

PETITIONER(S)/ACCUSED:

- 1. MOHANAN, AGED 54 YEARS,
S/O.DAMODARAN, AKHILA BHAVAN, KACHANI,
KARAKULAM VILLAGE, THIRUVANANTHAPURAM.**
- 2. PRADEEP B.S., AGED 30 YEARS,
S/O.PRABHAKARAN, PRADEEP VILASOM, KACHANI,
KARAKULAM, THIRUVANANTHAPURAM.**

**BY ADVS.SMT.M.SANTHI (K/868/2011)
SRI.G.RANJU MOHAN**

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A.No.5760 of 2015

Dated this the 28th day of September, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are the accused 1 and 3 in Crime No.617 of 2015 of Aruvikkara Police Station registered for the offences punishable under Sections 323, 324, 294(b) and 308 r/w Section 34 of the Indian Penal Code.

3. Prosecution allegation is that on 23.08.2015 at about 7.30 p.m., the petitioners due to their enmity towards the *de facto* complainant abused him. Thereafter, they hit the accused with a stone wrapped in a towel. It is also alleged in the FIS that the first accused used a chopper to cause injury on his scalp.

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

5. Learned Public Prosecutor submitted the case diary contains a wound certificate showing the corresponding injury. There is no allegation against the

3rd accused of having used any weapon.

6. Considering the facts and circumstances and that custodial interrogation of the first petitioner (first accused) may be necessary, I am of the view that the first petitioner is not entitled to get anticipatory bail in this case. Therefore, his application will stand dismissed. Insofar as the second petitioner (3rd accused) is concerned, the following directions are issued:

- (a) Petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. Thereafter, he 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 Investigating Officer.
- (b) The petitioner shall appear before the Investigating Officer as and when required for the purpose of interrogation.

- (c) The petitioner shall co-operate with the investigation of the case.
- (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