

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Bail Appl..No. 5793 of 2015

CRIME NO. 769/2015 OF PALODE POLICE STATION, THIRUVANANTHAPURAM
.....

PETITIONER(S)/ACCUSED :

**MADHU @ KATTAILAKUIZH Y MADHU, AGED 45 YEARS,
S/O.PRADEEP KUMAR,
RESIDING AT KOCHUKUDAYANMUGAL VEEDU, MG NAGAR,
MANALAYAM, NETTAYAM,
PEROORKKADA VILLAGE (FROM MANPURATHU VEEDU,
PULIMOODU, KATTILAKUZH Y, ANAD MURI,
THENNUR VILLAGE)**

**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 SENIOR PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
29-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A No.5793 of 2015

Dated this the 29th day of October, 2015.

ORDER

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

2. Petitioner is the first accused in Crime No.769 of 2015 of Palode Police Station registered for offences punishable under Sections 143, 147, 148, 341, 323, 324, 326, 307 and 149 I.P.C.

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

4. Prosecution case, in short, is that due to previous enmity, the accused persons as members of an unlawful assembly, armed with deadly weapons, attacked the defacto complainant with an intention to commit murder. In the incident, he sustained very severe injuries including fracture.

5. Learned counsel for the petitioner submitted that the petitioner is in custody from 22-07-2015 and 90 days have been

elapsed. The final report has not been filed. Considering the facts and circumstances of the case, 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 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.
4. The petitioner shall not enter the limits of Thiruvananthapuram District until final report is filed except for the purpose of appearing before the court/investigating officer.

5. The petitioner shall appear before the Investigating Officer on all Mondays between 10.00 and 11.00 a.m until final report is filed.
6. The petitioner shall not indulge in any offence while on bail.
7. 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