

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

Bail Appl..No. 5896 of 2015

CRIME NO. 519/2015 OF PAYYAVOOR POLICE STATION, KANNUR DISTRICT.

PETITIONER/ACCUSED NO.1:

**VALLOOR VINOJ @ BINOJ V.A,
S/O.AUGUSTY, AGED 33 YEARS,
VALLOOR HOUSE, ADAMPARA,
PAYYAVOOR.P.O., PAYYAVOOR AMSOM,
TALIPARAMBA TALUK, KANNUR DISTRICT.**

**BY ADVS.SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA THROUGH S.H.O.,
PAYYAVOOR POLICE STATION, KANNUR DISTRICT.**

BY PUBLIC PROSECUTOR SMT.MADHU BEN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

RAJA VIJAYARAGHAVAN.V. J

B.A.5896 of 2015

Dated 16th October, 2015

ORDER

- 1.This is an application filed u/s 438 of the Code of Criminal Procedure, seeking pre-arrest bail.
- 2.The petitioner herein is the 1st accused in crime No.519 of 2015 of Payyavoor police station, Kannur District. The said crime has been registered u/s 447, 341, 324 and 308 r/w S.34 IPC.
- 3.The prosecution allegation is that on 6.9.2015 at 3.30 pm, the petitioners along with other accused persons had trespassed into the courtyard of the house of the informant and attacked him with weapons.
- 4.I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.

5.It is submitted by the learned counsel appearing for the petitioner that the Payyavoor police had registered crime No. 520 of 2015 as against the de facto complainant and his family members alleging offence punishable u/s 143, 147, 148, 341, 323, 324, 308 r/w S.149 of the IPC. It is also pointed out, basing on Annexure-A1 'Accident Register-cum-Wound certificate' issued by the Medical Officer, Lourde hospital, Taliparamba, that the petitioner herein had sustained serious injuries. According to the learned counsel, the accused in counter case are the actual aggressors.

6.The learned Public Prosecutor on the other hand, opposed the application for bail. I have perused the case diary as well.

7.The wound certificate of the informant is not seen in the case diary. At the same time, the body note of the 1st informant reveals that he had only sustained minor abrasions on his body .

8.After having considered the rival submissions, the

nature and gravity of the allegations, the antecedents of the petitioner and the stage of investigation, I am of the considered view that anticipatory bail can be granted to the petitioner by imposing the following conditions.

i). The petitioner shall be released on bail after interrogation on his executing a bond for 25,000/- with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

ii). The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to any police officer.

iii). The petitioner shall make himself available for interrogation as and when required by the investigating officer.

iv). The petitioner shall not influence or intimidate the prosecution witnesses or

attempt to tamper with the evidence for the prosecution.

v). The petitioner shall not commit any similar offence while on bail.

vi). The petitioner shall not leave India without the previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

This application is allowed as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True copy//

P.S. To Judge