

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Bail Appl..No. 5992 of 2015

CRIME NO. 483/2015 OF VALIAMALA POLICE STATION, THIRUVANANTHAPURAM

PETITIONER(S)/ACCUSED :

**SHYJU @ KANNAN, AGED 22 YEARS,
S/O.MANIYAN, RESIDING AT KULAVIYODU MEKKUMKARA VEEDU,
ANADU VILLAGE, ANADU MURI,
THIRUVANANTHAPURAM DISTRICT.**

**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 06-10-2015, ALONG WITH BA.NO.6009 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A Nos.5992 & 6009 of 2015

Dated this the 6th day of October, 2015.

COMMON ORDER

Applications for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused Nos.4 and 5 in Crime No.483 of 2015 of Valiyamala Police Station registered for offences punishable under Sections 294(b), 506(ii)4 r/w Section 34 I.P.C and Section 27 of the Arms Act.

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

4. Prosecution case, in short, is that in connection with a dispute relating to celebration of Onam festival, the petitioners along with other accused abused the defacto complainant and 4th accused drew out a sword from his car and threatened to harm the defacto complainant.

5. Learned Public Prosecutor opposed the bail application contending that the weapon involved in the incident could be recovered only on the arrest of the 4th accused. Insofar

as the 5th accused is concerned, the allegation is that he abused the defacto complainant.

Therefore, I am not inclined to grant pre-arrest bail to the 4th accused in B.A No.6009/2015. Hence, following directions :

The petitioner shall surrender before the Investigating Officer within a period of one week from today and submit himself for interrogation. Thereafter, he shall be produced before the learned Magistrate having jurisdiction on the same day. The petitioner is free to move for regular bail before the court below. In that event, the application shall be considered on merits as expeditiously as possible. If petitioners do not surrender in the stipulated time, the Investigating Officer is free to arrest him as if no order is passed in this matter.

Other application filed by the 5th accused for pre-arrest bail viz., B.A No.5992/2015 is allowed. Hence, following

directions are issued :

1. Petitioner shall surrender before the investigating officer within a period of one week from today and submit himself for interrogation. In that event, he shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency.
3. Petitioner shall appear before the Investigating Officer as and when directed in writing and co-operate with the investigation in the matter.
5. Petitioner shall not influence or intimidate witnesses.
6. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

P.A to Judge