

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

Bail Appl..No. 6088 of 2015

CRIME NO. 310/2015 OF AMBALATHARA POLICE STATION, KASARGOD

PETITIONER/ACCUSED NO.1:

**ARAVINDAN, AGED 33 YEARS,
S/O CHANDRAN, CHUNNAM KAYAM,
KAYAKUNNU, KALICHANADUKAM P.O., THAYANOOR VILLAGE,
KASARAGOD DISTRICT.**

BY ADV. SRI.S.VISHNU (TRIPUNITHURA)

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE S.I. OF POLICE,
AMBALATHARA POLICE STATION (CRIME NOS. 310/15),
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A No.6088 of 2015

Dated this the 3rd day of November, 2015.

ORDER

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

2. Petitioner is the sole accused in Crime No.310/2015 of Ambalathara Police Station registered for an offence punishable under Section 307 r/w Section 34 I.P.C. He was arrested on 19-09-2015.

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

4. Prosecution case, in short, is that on 28-08-2015, at about 2.15 p.m., the petitioner attempted to commit murder of the defacto complainant by stabbing with a knife on his stomach due to previous enmity.

5. Learned Public Prosecutor opposed the bail application. Case diary is produced for scrutiny. The wound certificate in the case diary shows that the victim sustained 6

incised punctured wound in the abdomen.

6. Learned counsel for the petitioner submitted that in the connected case wherein an offence under Section 302 I.P.C has been alleged, this court granted bail to the accused as per order in bail application B.A No.6295 of 2015 dated 28-10-2015. The petitioner remains in custody from 19-09-2015. It is also submitted by the learned counsel for the petitioner that the petitioner was taken to Unity Health Complex, Mangalore with multiple stab wounds in connection with the incident. Considering the stage of investigation and the fact that some of the accused in the counter case has been released on bail, 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 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 appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until the final report is filed.
4. The petitioner shall not enter the limits of Ambalathara Police station for a period of three months except for the purpose of appearing before the court/investigating officer.
5. 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 Magistrate is free to cancel bail without referring the matter to this Court.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

amk

P A to Judge