

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

Bail Appl..No. 6226 of 2015

**CRIME NO. 757/2015 OF KUZHALMANNAM POLICE STATION ,
PALAKKAD DISTRICT**

PETITIONER(S)/ACCUSED NO. 1 & 2 :

- 1. VIJAYAKUMARAN M., AGED 43 YEARS,
S/O. MANI, RESIDING AT KARIPPAKULANGARA,
THENKURISSI P.O., PALAKKAD DISTRICT-678 671.**
- 2. ANUPKUMAR K.S., AGED 39 YEARS,
S/O.SREEDHARAN, RESIDING AT KARIPPAKULANGARA,
THENKURISSI P.O., PALAKKAD DISTRICT-678 671.**

**BY ADVS.SRI.T.K.RAJESHKUMAR
SMT.T.N.BINDU**

RESPONDENT(S)/COMPLAINANTS :

- 1. S.I. OF POLICE,
POLICE STATION, KUZHALMANNAM, PALAKKAD.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A.No.6226 of 2015

Dated this the 13th day of October, 2015

O R D E R

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

2. Petitioners are accused 1 and 2 in Crime No.757 of 2015 of Kuzhalmannam Police Station registered for the offences punishable under Sections 341, 308 and 506(ii) r/w Section 149 of the Indian Penal Code.

3. Prosecution allegation is that on 08.09.2015 at 09.30 hours the accused persons due to enmity towards the defacto complainant for shifting allegiance from one party to other questioned and the first accused inflicted a stab injury on the glutel area of the defacto complainant's body.

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

5. Leaned counsel for the petitioners submitted that no knife is involved in the incident. Further, the defacto complainant was in a drunken stage.

6. Leaned Public Prosecutor opposed the bail application. I have perused the C.D. The wound certificate and the statement of the victim shows that the first accused used knife to inflict a stab injury. There is no allegation that the second accused used any weapon in the incident.

Considering the requirement of recovery of the weapon of oppression, I am not inclined to grant anticipatory bail to the 1st accused. Insofar as second accused is concerned, I am inclined to grant bail to him with the following conditions:

- (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 executing a bond for ₹25,000/- (Rupees Twenty Five 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