

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 6328 of 2015 ()

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CRIME NO. 955/2015 OF KILIMANOOR POLICE STATION.

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PETITIONER/2ND ACCUSED :

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SURESH KUMAR, AGED 35 YEARS,  
S/O. PUSHPARAJAN, P.S. BHAVAN, PANAPPAMKUNNU,  
MALAKKAL P.O., MADAVOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.SARIN.

RESPONDENT/STATE/COMPLAINANT:

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1. STATE OF KERALA,  
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE,  
KILIMANOOR POLICE STATION,  
THIRUVANANTHAPURAM-695 001.

BY PUBLIC PROSECUTOR SMT.R. REMA.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 15-10-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

rs.

**A.HARIPRASAD, J.**

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**B.A No.6328 of 2015**  
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**Dated this the 15<sup>th</sup> day of October, 2015.**

**ORDER**

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

2. Petitioner is the second accused in Crime No.955 of 2015 of Kilimanoor Police Station registered for offences punishable under Sections 294(b), 341, 323, 324, 506(1) and 308 r/w Section 34 I.P.C.

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

4. Prosecution case, in short, is that the first accused was inimical towards the defacto complainant. Therefore, the accused persons together on 07-07-2015 at about 8.45 p.m wrongfully restrained the defacto complainant and he was abused. Thereafter, the first accused stabbed the defacto complainant on his abdomen with a knife causing grievous injury. Allegation against the petitioner is that he immobilised

the defacto complainant by holding hands at the time of attack.

5. Learned counsel for the petitioner submitted that the petitioner has not used any weapon in the course of transaction. Learned Public Prosecutor opposed the bail application contending that he is an active participant in the crime and he also took part in the crime by restraining the victim at the time of incident. Considering the nature of allegations, following directions are made :

1. Petitioner shall surrender before the investigating officer within a period of one week from today and submit himself for interrogation. In that event, the petitioner 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.
4. Petitioner shall not influence or intimidate witnesses.

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**

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