

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

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

Bail Appl..No. 6405 of 2015

CRIME NO. 843/2015 OF MANGALAPURAM POLICE STATION, THIRUVANANTHAPURAM

PETITIONER(S)/A-2:

**AKHIL, AGED 22 YEARS,
S/O.PURUSHOTHAMAN, C/O.FATHIMA,
NEAR ST. ANTONY'S SCHOOL, KARIYIL, KAZHAKOTTAM.**

**BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.BREJITHA UNNIKRISHNAN**

RESPONDENT(S)/COMPLAINANT/STATE:

**STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, HIGH COURT OF KERALA-682 031.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

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

msv/

B.SUDHEENDRA KUMAR, J.

B.A.No.6405 of 2015

Dated this the 16th day of October, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the second accused in Crime No.843 of 2015 of Mangalapuram Police Station registered for the offences punishable under Sections 302, 324, 341 and 449 of the Indian Penal Code.

3. Prosecution allegation is that on 19.08.2015 at about 01.20 a.m., the petitioner along with other accused criminally trespassed into the house of deceased Siju and attacked him. The first accused stabbed him with a knife on various parts of his body and when the wife of the deceased intervened, the first accused inflicted stab injuries on her as well. The deceased Siju succumbed to the injuries on the way to the hospital. The petitioner had given all assistance to the first accused in doing the act. The petitioner has been in custody ever since his arrest on

19.08.2015.

4. Heard.

5. Learned Public Prosecutor has no serious objection in granting bail to the petitioner. It has been submitted by the learned Public Prosecutor that the petitioner is not involved in any other offence of similar nature. No overtact is specifically alleged against the petitioner. The inflictions were made on the deceased as well as his wife by the first accused in the crime.

6. Considering the facts and circumstances of the case including the overtact alleged against the petitioner and also taking into consideration of the fact that the petitioner is the first time offender, I am inclined to grant bail to the petitioner.

In the result, this application stands allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹30,000/- (Rupees thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Court of the Judicial Magistrate of First Class-II, Attingal and subject to the following further

conditions:

- (a) The petitioner shall report before the Investigating Officer on every Monday between 09.00 a.m and 11.00 a.m. for a period of four months or until the filing of the final report, whichever is earlier.
- (b) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.
- (c) The petitioner shall not get involved in any offence while on bail.
- (d) The petitioner shall not enter into the jurisdiction of the Sessions Division, Thiruvananthapuram without the leave of the leaned Magistrate for two months except for the purpose of reporting before the investigating officer as directed in this order.

I make it clear that if the petitioner violates any of the conditions of this order, the leaned Magistrate shall be liberty to proceed against the accused in accordance with

law to cancel his bail as held by the Apex Court in

P.K.Shaji Vs. State of Kerala (AIR 2006 SC 100).

Sd/-

B.SUDHEENDRA KUMAR, JUDGE.

AS

/True Copy/

P.A. to Judge