

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Bail Appl..No. 6690 of 2015 ()

CRIME NO. 615/2015 OF ENATHU POLICE STATION , PATHANAMTHITTA DISTRICT

PETITIONER/ACCUSED NOS. 1 AND 2 :

- 1. ANILKUMAR, AGED 30 YEARS
S/O. MURALI, ANIL BHAVAN, BADAMMUKKU
CHOORAKKODUMURI, ENATHU VILLAGRE
PATHANAMTHITTA DISTRICT.**
- 2. AYYAPPAN, 27 YEARS OF AGE
S/O. VIKRAMAN PILLAI, PARAVILA PUTHENVEEDU, NILAMMEL
KALAIKKUPADINJARUMURI, KADAMBANADU VILLAGE
PATHANAMTHITTA.**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA**

RESPONDENT :

**STATE OF KERALA
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM, KOCHI - 31.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

Bail Appl. No.6690 of 2015

Dated this the 2nd day of November 2015

O R D E R

Bail application filed under Sec.439 Cr.P.C.

2. Petitioners are accused nos.1 and 2 in Crime No.615 of 2015 of Enathu Police station registered for the offences punishable under Secs.341, 294(b), 323, 506(ii) and 308 read with Sec.34 of the Indian Penal Code. Prosecution case in short is that, on 04.06.2015 at about 10.00 a.m., the accused persons, in furtherance of their common intention, attacked the defacto complainant. The 2nd accused criminally intimidated the defacto complainant by wielding a sword stick and on account of that, the defacto complainant sustained injuries.

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

4. Learned Public Prosecutor opposed the bail application contending that there are materials in the case diary implicating the 2nd accused of user of the weapon. The 1st accused attacked the defacto

complainant by using his hand. Investigation has not been completed. Material witnesses are to be questioned.

Considering the nature of allegations, the bail plea raised by the 2nd accused is rejected. As far the 1st petitioner is concerned, bail is granted to him with the following conditions.

i. The 1st petitioner shall be released on bail on his 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 learned Magistrate having jurisdiction.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The lower Court need not insist on solvency certificate. Other documents revealing the solvency of the sureties can also be relied on.

iv. He shall appear before the Investigating Officer for interrogation on all Saturdays between 10.00 a.m. and 11.00 a.m. until final report is filed.

v. He shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

vi. He shall not involve in any other offence during the period of bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/02/11/2015

P.A. To Judge