

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Bail Appl..No. 6694 of 2015 ()

CRIME NO. 1448/2015 OF PAYYANNUR POLICE STATION , KANNUR DISTRICT

PETITIONER(S)/ACCUSED:

1. PAVOOR PRABHAKARAN, AGED 58 YEARS,
S/O. K.T. KORAN, PAVOOR HOUSE, VELLUR P.O.,
KANNUR DISTRICT.
2. PRATHEESH A.K,AGED 30 YEARS,
S/O PAVOOR PRABHAKARAN, PAVOOR HOUSE,
VELLUR.P.O.,KANNUR DISTRICT.
3. PAVOOR KRISHNAN, AGED 45 YEARS,
S/O.KANNAN, KANIYERI, VELLUR,
KANNUR DISTRICT.
4. ASHWIN.K., AGED 23 YEARS, S/O.A.K.VENU,
NILESWARAM, NILESWARAM.P.O., KASARAGOD DISTRICT.

**BY ADVS.SRI.M.SASINDRAN
SRI.A.ARUNKUMAR**

RESPONDENT(S)/COMPLAINANT/STATE:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031
2. THE STATION HOUSE OFFICER,
(CRIME NO. 1448/15 OF PAYYANNUR POLICE STATION),
PAYYANNUR, KANNUR DISTRICT-670 307

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

A.HARIPRASAD, J.

B.A No.6694 of 2015

Dated this the 23rd day of November, 2015.

ORDER

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

2. Petitioners are accused in Crime No.1448 of 2015 of Payyannur Police Station registered for offences punishable under Sections 326, 307, 506, 342 and 450 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that on 02-02-2015, the petitioners attacked the defacto complainant with a chopper causing serious injuries and they intended to commit murder.

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

5. Learned counsel for the petitioners submitted that the case arise out of a private complaint filed after eight months of the incident. Actually, the defacto complainant and his party are the aggressors. A counter case had been registered in connection with the incident as Crime No.184/2015 of the same police station. I have perused the materials in the case diary, especially the wound certificate. I do not find prima facie any reason to consider the

attraction of the offences under Sections 326 and 307 I.P.C. Hence, following directions are made :

1. Petitioners shall surrender before the investigating officer within a period of two weeks from today and submit themselves for interrogation. In that event, they shall be released on bail on executing a bond for Rs.25,000/- each (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. The Investigating Officer 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. Petitioners shall appear before the Investigating Officer as and when directed.
4. Petitioners shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioners, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-
A.HARIPRASAD,
JUDGE.

amk

//True copy//

P .A to Judge