

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

Bail Appl..No. 6713 of 2015 ()

CRIME NO. 1038/2015 OF VALAYAR POLICE STATION, PALAKKAD DISTRICT

PETITIONERS/ACCUSED 1 TO 3 :

1. DILEE,
AGED 22 YEARS, S/O.CHENTHAMARA,
KOSAPPALLAM, KANJIKODE
PALAKKADU DISTRICT.
2. SIVADAS C.,
AGED 23 YEARS, S/O.CHOKKANATHAN,
THAMILTHARA, KANJIKODE
PALAKKAD DISTRICT.
3. NITHIN N.,
AGED 22 YEARS, S/O.NARAYANAN,
KIZHAKKEMURI, KANJIKODE
PALAKKAD DISTRICT

**BY ADVS.SRI.K.S.ARUN KUMAR
SMT.M.N.MAYA
SMT.RESMI THOMAS**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A. No.6713 of 2015

Dated this the 18th day of November, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Accused 1 to 3 in Crime No.1038 of 2015 of Walayar Police Station registered for offences punishable under Sections 341, 324, 307 and 427 of the Indian Penal Code are the petitioners.

3. Prosecution case is that on 11.10.2015 at 5.15 p.m. the accused persons in furtherance of their common object armed with deadly weapons attacked the defacto complainant causing extensive injuries. Accused persons used iron rod and swords.

4. Heard both sides.

5. Learned Prosecutor opposed the bail application contending that petitioners 1 and 2 used swords and the third petitioner attacked him with bare hands.

6. Learned counsel for the petitioners submitted that the petitioners are in custody from 12.10.2015 onwards.

Considering the fact the the first petitioner is involved in three other offences of grave nature, I am not inclined to grant bail to the first

petitioner. That part of the application is dismissed. Bail is granted to petitioners 2 and 3 with following conditions:

i. Petitioners 2 and 3 shall be released on bail on each one of them executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioners 2 and 3 shall appear before the Investigating Officer on all Mondays and Thursdays between 9.00 and 10.00 a.m until final report is filed.

iv. They shall not indulge in any offence while on bail.

v. They shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by petitioners 2 and 3, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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