

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Bail Appl..No. 6904 of 2015 ()

CRIME NO. 1062/2015 OF NEMMARA POLICE STATION, PALAKKAD DISTRICT.

.....

PETITIONER/1ST ACCUSED:

SIVARAMAN, S/O.ANDI,
AGED 42 YEARS, THATTAMPARA VEEDU,
THIRUVAZHIYODE, AYILUR,
PALAKKAD DISTRICT.

BY ADV. SRI.RAJESH SIVARAMANKUTTY.

RESPONDENT/COMPLAINANT

STATE OF KERALA,
REPRESENTED BY THE S.I. OF POLICE,
NEMMARA POLICE STATION, PALAKKAD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.R. REMA.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

A.HARIPRASAD, J.

B.A No.6904 of 2015

Dated this the 19th day of November, 2015.

ORDER

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

2. Petitioner is the 4th accused in Crime No.1062 of 2015 of Nemmara Police Station registered for offences punishable under Sections 143, 147, 341, 324, 308 and 506(ii) r/w Section 149 I.P.C.

3. Prosecution case, in short, is that on 14-08-2015 at about 19.30 hours, the accused persons who are activists of a political party formed themselves into an unlawful assembly armed with weapons and attacked the defacto complainant, who belonged to another political party. They caused injuries to the defacto complainant.

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

5. Learned counsel for the petitioner based on Annexure A order contended that the prosecuting agency took a stand before the Court of Sessions, Palakkad initially that the petitioner is not involved in any offence. Later, they tried to implicate the petitioner

and as per Annexure B order, the learned Sessions Judge rejected the plea finding that he is involved in the offence. After hearing the counsel for the petitioner and the learned Public Prosecutor, I am of the view that custodial interrogation of the petitioner is not necessary as there is no case that he used any weapon for causing injury. Considering the facts and circumstances of the case, I find that bail can be granted to the petitioner with following directions :

1. Petitioner shall surrender before the investigating officer within a period of two weeks from today and submit himself for interrogation. In that event, he 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. 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 Petitioner shall appear before the Investigating Officer as and when directed.
4. Petitioner shall not influence or intimidate witnesses.
5. 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

amk