

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

Bail Appl..No. 6940 of 2015 ()

**CRIME NO. 887/2015 OF NEMOM POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONER/1ST ACCUSED :

**SHYJU, S/O. VIJAYAM, SHIJI VILASAM, 40TH MILE
THENMALA, THENMALA DESOM, THENMALA VILLAGE,
PATHANAPURAM, KOLLAM DISTRICT.**

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.R.GOPAN**

RESPONDENT/COMPLAIANT :

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

BY SENIOR PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A No.6940 of 2015

Dated this the 25th day of November, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.887 of 2015 of Nemom Police Station registered for offences punishable under Sections 120B, 201, 452 and 302 r/w Section 34 I.P.C.

3. Heard the learned Senior Counsel for the petitioner and the learned Public Prosecutor.

4. Prosecution case, in short, is that the petitioner was entertaining hostility towards the defacto complainant's father. With an intention to commit murder, the petitioner on 26-05-2015 at about 9.00 p.m., trespassed into the house of the deceased and attacked him with a chopper like weapon. Although, he was taken to hospital on 27-05-2015 early morning he died.

5. Learned Public Prosecutor submitted that the

petitioner is involved in 9 other cases registered under various police stations. It is further submitted that final report has already been filed and the matter is pending in C.P No.13/2015 on the file of the J.F.C.M - II, Neyyattinkara. On perusal of the report, it is seen that most of the cases are registered under Sections 420, 465, 468 I.P.C. There is no case for the prosecution that he is a habitual offender. Considering the fact that he is in custody from 28-05-2015, I find that bail can be granted to the petitioner with following strict conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Additional Sessions Judge having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned Additional Sessions Judge 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. The petitioner shall appear before the concerned court without fail on all posting dates.
4. The petitioner shall not indulge in any offence while on bail.
5. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned Additional Sessions Judge is free to cancel bail without referring the matter to this Court.

**Sd/-
A.HARIPRASAD,
JUDGE.**

amk

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P.A to Judge