

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.HARIPRASAD**

**WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937**

**Bail Appl..No. 6967 of 2015**  
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**CRIME NO. 884/2015 OF VELLARADA POLICE STATION, THIRUVANANTHAPURAM**  
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**PETITIONER(S)/ACCUSED 1 & 2 (PARTIES IN CUSTODY) :**  
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- 1. MURUKAN ASARI, S/O.BHASKARAN ASARI,  
AGED 45 YEARS, ARYA BHAVAN, ONAMKODU,  
KUNNATHUKAL DESOM & VILLAGE.**
- 2. BAIJU, S/O.JOSEPH,  
AGED 31 YEARS, HOUSE NO.20, LEKSHAMVEEDU COLONY,  
KULAPPURATHUKONAM, KUNNATHUKAL DESOM & VILLAGE.**

**BY ADV. SRI.M.SREEKUMAR**

**RESPONDENT(S)/STATE :**  
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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SMT.TY.LALIZA**

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

Msd.

**A.HARIPRASAD, J.**

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**B.A. No.6967 of 2015**  
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**Dated this the 11<sup>th</sup> day of November, 2015**

**ORDER**

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

2. Petitioners are accused 1 and 2 in Crime No.884 of 2015 of Vellarada Police Station registered for offences punishable under Sections 324 and 307 read with Section 34 of the Indian Penal Code.

3. Prosecution case, in short, is that on 04.09.2015 at about 5.00 p.m., the accused persons attacked the defacto complainant with a knife and stick. Petitioners are in custody from 06.09.2015 onwards.

4. Heard both sides.

5. Learned counsel for the petitioners contended that a counter case is registered against the defcto complainant as Crime No.886 of 2015 of the same Police Station involving offences punishable under Sections 452, 323, 354, 294(b) and 506(ii) read with Section 34 of the Indian Penal Code.

6. Learned Prosecutor submitted that the trial court has dismissed the application for bail two times.

Having regard to the nature of allegations, petitioners are released on bail with following conditions:

i. Petitioners shall be released on bail on executing a bond for ₹50,000/- (Rupees fifty thousand only) each 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 shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 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, the lower court concerned is free to cancel bail without referring the matter to this Court.

**A. HARIPRASAD, JUDGE.**

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