

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. 6991 of 2015

CRIME NO. 987/2015 OF AYYAMPUZHA POLICE STATION, ERNAKULAM DISTRICT.
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PETITIONER(S)/ACCUSED NO. 1 & 3:

- 1. TONY, AGED 26 YEARS,
S/O.URUMEES, KOLAATUKUDY (H),
CHULLY, AYYAMPUZHA.**
- 2. VINU, AGED 24 YEARS,
S/O.VIKRAMAN, VISHNU VIHAR,
NEDUMBASSERY.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
(CRIME NO. 987/2015 OF AYYAMPUZHA POLICE STATION,
ERNAKULAM DISTRICT).**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

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

mbr/

A.HARIPRASAD, J.

B.A. No.6991 of 2015

Dated this the 11th day of November, 2015

ORDER

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

2. Petitioners are accused 1 and 3 in Crime No.987 of 2015 of Ayyampuzha Police Station registered for offences punishable under Sections 447, 323, 324 and 308 read with Section 34 of the Indian Penal Code.

3. Prosecution case, in short, is that on 25.10.2015 at about 9.45 p.m. accused 1 and 3 trespassed into the courtyard of the defacto complainant and assaulted him with stick. According to the prosecution, third accused used the stick.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that the petitioners are in fact victims and they received injuries at the hands of the defacto complainant and his men. It is also submitted that another crime is registered in connection with the incident.

6. Learned Prosecutor opposed the bail application contending that the first accused in the crime is involved in five other cases including a

proceeding under Section 107 of the Code of Criminal Procedure.

Considering the nature of allegations and the antecedents of the first accused, I am not inclined to grant bail to the first accused. That part of the bail application will stand dismissed. Third accused remains in custody from 26.10.2015 onwards. Considering the stage of investigation and the fact that he is not involved in any other crime, bail is granted to the second petitioner (third accused) with the following conditions:

- i. Second petitioner shall be released on bail on 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. The second petitioner 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. He shall not indulge in any offence while on bail.
- v. He 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 second petitioner, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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