

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

Bail Appl..No. 7298 of 2015

CRIME NO. 1528/2015 OF PAYYANNUR POLICE STATION, KANNUR.
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PETITIONER/ACCUSED NO.3:

**SREEJITH T,
S/O.K.V.NARAYANAN, AGED 33 YEARS,
KARAMEL, VELLUR AMSOM, KARAMEL DESOM,
TALIPARAMBA TALUK, KANNUR DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN
SRI.P.K.SUBHASH**

RESPONDENT(S)/COMPLAINANT & STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**
- 2. THE STATION HOUSE OFFICER,
(CRIME NO.1528 OF 2015 OF
PAYYANNUR POLICE STATION),
KANNUR DISTRICT-670 001.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.7298 of 2015

Dated this the 24th day of November, 2015

ORDER

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

2. Third accused in Payyannur Police Station Crime No.1528 of 2015 registered for offences punishable under Sections 452, 506, 341, 323, 326 and 308 read with Section 34 of the Indian Penal Code is the petitioner. He seeks bail.

3. Prosecution case, in short, is that on 02.11.2015 at 17.45 hours, while the defacto complainant was sitting in the varandha of the residential house of his friend, the first accused trespassed into the varandha and attacked him with an iron rod. Petitioner was also present at the time when the first accused attacked the defacto complainant. Petitioner is in custody from 09.11.2015 onwards.

4. Heard both sides.

5. Learned counsel for the petitioner contended that there is no case for the prosecution that the petitioner had used any weapon to attack the defacto complainant.

6. Learned Prosecutor also submitted that the case diary statements do not show that the petitioner ever used any weapon.

Considering the nature of allegations, bail is granted to the petitioner with following conditions:

i. Petitioner shall be released on bail on executing a bond for ₹25,000/- (Rupees twentyfive 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. Petitioner shall appear before the Investigating Officer on all Saturdays between 9.00 and 10.00 a.m until final report is filed.

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

vi. 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 petitioner, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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