

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

Bail Appl..No. 7327 of 2015 ()

CRIME NO. 757/2015 OF KUZHALMANNAM POLICE STATION, PALAKKAD DISTRICT

PETITIONERS/ACCUSED NO.1 :

**VIJAYAKUMARAN M.,
S/O.MANI, AGED 43 YEARS,
RESIDING AT KARIPPAKULANGARA
THENKURISSI P.O.,
PALAKKAD DISTRICT - 678 671.**

BY ADV. SRI.T.K.RAJESHKUMAR

RESPONDENTS//COMPLAINANT/DEFACTO- COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA-682 031.**
- 2. S.I. OF POLICE,
POLICE STATION, KUZHALMANNAM,
PALAKKAD DISTRICT-678 672.**
- 3. SANDEEP,
S/O.SHIVASHANKARAN, AGED 24 YEARS
VAPPALAM HOUSE, THENKURISSI P.O., ALATHUR TALUK
PALAKKAD DISTRICT – 678 671.**

**R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.
R3 BY ADV. KUM. APARNA SOMARAJAN**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A.No.7327 of 2015

Dated this the 27th day of November, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the 1st accused in Crime No.757 of 2015 of Kuzhalmannam Police Station registered for the offences punishable under Sections 341, 308 and 506(ii) r/w Section 149 of the Indian Penal Code.

3. Prosecution case is that on 08.09.2015 at 09.30 hours the accused persons due to enmity towards the defacto complainant attacked him and the petitioner inflicted a stab injury on the gluteal area of the defacto complainant.

4. Heard the learned counsel for the petitioner, learned counsel for the defacto complainant and the learned Public Prosecutor.

5. Learned counsel for the petitioner and the defacto complainant submitted that they have settled the matter and the defacto complainant has no subsisting grievance against the first accused.

6. Learned Public Prosecutor opposed the bail application contending that this is a second bail application under Section 438 of the Code of Criminal Procedure and it is not maintainable. It is seen from the Annexure-A1 order passed by this Court that B.A.No.6226 of 2015 was dismissed in respect to the present petitioner. Second accused was directed to surrender. Therefore, it is submitted that there is a change in the circumstances.

7. Considering the entire facts and circumstances, I am inclined to grant anticipatory bail to the petitioner with the following conditions:

- (a) The petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. Thereafter, he shall be released on bail on executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.

- (b) The petitioner shall appear before the Investigating Officer as and when directed for the purpose of interrogation.
- (c) The petitioner shall co-operate with the investigation of the case.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.
- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) The petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

AS

Sd/-
A.HARIPRASAD, JUDGE.

/True Copy/

P.A. To Judge