

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 7376 of 2015 ()

CRIME NO. 1038/2015 OF VALAYAR POLICE STATION, PALAKKAD DISTRICT

PETITIONER/ACCUSED :

**DILEEP
AGED 22 YEARS
S/O. CHENTHAMARA,
KOSAPPALLAM, KANJIKODE
PALAKKADU DISTRICT.**

**BY ADVS.SRI.K.S.ARUN KUMAR
SMT.M.N.MAYA
SMT.RESMI THOMAS**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No.7376 of 2015

Dated this the 2nd day of December, 2015

ORDER

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

2. Walayar Police Station Crime No.1038 of 2015 is registered against the petitioner and other accused persons for offences punishable under Sections 341, 324, 307 and 427 of the Indian Penal Code. Petitioner is the first accused in the crime. He seeks bail.

3. Prosecution case is that on 11.10.2015 at about 5.15 p.m., the accused persons in furtherance of their common object, formed into an unlawful assembly and attacked the defacto complainant with iron rod and other weapons, with an intention to kill him. They also destroyed a motor cycle in the incident and thereby caused a loss of ₹20,000/-.

4. Heard both sides.

5. Learned Prosecutor opposed the application. She submitted that as per order on B.A.No.6713 of 2015 this Court declined bail to the petitioner and released others on bail on 18.11.2015.

6. Learned counsel for the petitioner submitted that the petitioner

is in custody from 12.10.2015 onwards.

Considering the stage of investigation and antecedents of the petitioner, following order is passed:

- i. Petitioners 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. 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. Petitioner 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.
- vi. He shall not enter the limits of Walayar Police Station for a period of three months except for the purpose of complying with the bail conditions.

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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