

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

Bail Appl..No. 7382 of 2015 ()

CRIME NO. 1528/2015 OF PAYYANNUR POLICE STATION, KANNUR DISTRICT

PETITIONER/ACCUSED NO.1 :

**NISHAD V.K.,
S/O.SASI, AGED 27 YEARS
KAMEL, VELLUR AMSOM
KAMEL DESOM, TALIPARAMBA TALUK,
KANNUR DISTRICT.**

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

RESPONDENTS/COMPLAINANT & STATE :

- 1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM – 682 031.**
- 2. THE STATION HOUSE OFFICER
(CRIME NO.1528/2015 OF PAYYANNUR POLICE STATION)
KANNUR DISTRICT- 670 001.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. SUDHEENDRA KUMAR, J.

Bail Appl. No.7382 of 2015

Dated this the 9th day of December 2015

O R D E R

This is an application filed under Sec.439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1528 of 2015 of Payyannur Police station registered under Secs.452, 506, 341, 323, 326 and 308 read with Se.c.34 of the Indian Penal Code. Prosecution allegation is that on 02.11.2015 at 5.45 p.m., the petitioner along with other accused trespassed into the house of the defacto complainant and attacked him causing injuries on him. The petitioner surrendered before the Court on 09.11.2015 and ever since he has been in custody.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor. Perused the case diary.

4. Learned Public Prosecutor opposed the bail application.

5. It has been submitted by the learned counsel for the petitioner that the 3rd accused was already granted bail by this Court after his arrest and judicial detention.

6. It appears from the case diary that the major part of the investigation as regards the petitioner is almost complete. There is no allegation that the petitioner inflicted any injury on the defacto complainant with any weapon.

7. Considering the facts and circumstances of the case, including the period of detention of the petitioner and also the nature of overt act alleged against him, I am of the view that further detention of the petitioner is not necessary in this case. However, since the petitioner is also involved in other cases of more or less the same nature, I am of the view that some condition has to be incorporated to desist the petitioner from repeating similar offences.

In the result, the bail application stands allowed and the petitioner shall be released on bail on his

executing a bond for Rs.30,000/- (Rupees thirty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Magistrate and subject to the following further conditions.

1. The petitioner shall report before the SHO, Neeleswaram Police station on every Monday and Friday between 9.00 a.m. and 11.00 a.m. for four months.

2. The petitioner shall not get involved in similar offences while on bail.

3. The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

4. The petitioner shall not enter into the limits of the Sessions Division, Thalassery for four months without the leave of the learned Magistrate.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

/ True Copy /

NS/09/12/2015

P.A. To Judge