

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

Bail Appl..No. 7435 of 2015

CRIME NO. 1206/2015 OF MATTANNUR POLICE STATION, KANNUR

PETITIONER(S)/ACCUSED NO.2:

**SUDHEER G., AGED 39 YEARS,
S/O.ANANTHAN, SANTHA NIVAS, IDAVELIKKAL,
PAZHASSI AMSOM.**

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.VIPIN NARAYAN**

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A.No.7435 of 2015

Dated this the 26th day of November, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the second accused in Crime No.1206 of 2015 of Mattannur Police Station registered for the offences punishable under Section 304 of the Indian Penal Code and Section 3 r/w Section 25(1B) of the Arms Act.

3. Prosecution case is that on 13.10.2015 at about 15.00 hours, the second accused in the case and the deceased Vijesh went to a cashew garden owned by another person for hunting wild boar. They were armed with a country made gun. Second accused shot at the wild boar. But, the shot landed on the deceased causing his death.

4. Heard the learned Senior counsel for the petitioner and the learned Public Prosecutor.

5. Learned Public Prosecutor submitted that the deceased and the accused went together to hunt the boar.

There was no enmity between them.

6. Considering the nature of allegations and the fact that he is in custody from 15.10.2015 onwards, I am inclined to grant bail to the petitioner with the following conditions:

- (a) The petitioner shall be released on bail on his executing a bond for ₹50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (b) The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioner shall appear before the Investigating Officer on all Saturdays between 10.00 a.m and 11.00 a.m. until the final report is filed.

- (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