

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. 7472 of 2015

CRIME NO. 1084/2015 OF PALLICKAL POLICE STATION, THIRUVANANTHAPURAM.
.....

PETITIONERS/ACCUSED 1 TO 3:

1. VIJAYAKUMAR.G,
S/O GOPALAKURUP, AGED 40 YEARS,
VIJAYAMANDIRAM, NAVAIKULAM,
THIRUVANANTHAPURAM.
2. B.BABURAJAN NAIR,
S/O BALAKRISHNAN NAIR, AGED 47 YEARS,
MEGHALAYAM, VETTIYARA P.O.,
NAVAIKULAM, THIRUVANANTHAPURAM.
3. SUNIL KUMAR K,
S/O KRISHNANKUTTY ASARY, AGED 40 YEARS,
VELAYIL VEEDU, VETTIYARA P.O.,
NAVAIKULAM, THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS/STATE AND COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. THE SUB INSPECTOR OF POLICE,
PALLIKKAL POLICE STATION,
THIRUVANANTHAPURAM.

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:**

mbr/

A.HARIPRASAD, J.

=====

B.A.No.7472 of 2015

=====

Dated this the 2nd day of October, 2015

ORDER

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

2. Accused 1 to 3 in Crime No.1084/2015 of Pallikkal Police Station registered under Section 294(b), 341, 326 read with Section 34 of the Indian Penal Code. Due to political enmity, the accused persons on 18-10-2015 at about 09.00 p.m attacked the de facto complainant and caused fracture of femur on his right leg.

3. Heard the learned counsel for the petitioner and learned Public Prosecutor.

4. Learned counsel submitted that in the First Information Statement, the case of using any weapon or attempting to commit culpable homicide was not mentioned by the de facto complainant. Learned Public Prosecutor opposed the bail application and she contended that in a subsequent statement, the de facto complainant has clearly stated that, he was beaten up with a reaper

and he evaded the beating. Had it landed on his head, he would have died in his case. Apart from Section 308 IPC, all other offences are bailable as Section 326 of the Indian Penal Code is not attracted in this case.

5. Considering the nature of allegations, I am inclined to grant anticipatory bail to the petitioners with the following conditions:

- (a) Petitioners shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on their executing a bond for Rs.50,000/- (Rupees Fifty Thousand Only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioners shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) The petitioners shall co-operate with the

investigation of the case.

- (d) The petitioners shall not intimidate or attempt to influence the witnesses.
- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) Petitioners 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.

Sd/-
A.HARIPRASAD, JUDGE.

AVS

//TRUE COPY//

P.A TO JUDGE