

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

Bail Appl..No. 7514 of 2015 ()

**CRIME NO. 1479/2015 OF KADAKAVUR POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER/3RD ACCUSED:

**SUMATH, AGED 38 YEARS,
S/O.SATHYAN, NEAR ANGAVILA, MALLAN NADA,
THITTAZHILKULAM VEEDU, VAKKOM VILLAGE,
KOTTAYAM.**

BY ADV. SRI.M.R.SARIN

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-628 231**
- 2. THE SUB INSPECTOR OF POLICE,
KADAKAVUR POLICE STATION, TRIVANDRUM-695 001**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No.7514 of 2015

Dated this the 3rd day of December, 2015

ORDER

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

2. Third accused in Kadakkavur Police Station Crime No.1479 of 2015 registered for offences punishable under Sections 294(b), 323, 324 and 308 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act is the petitioner. He seeks bail.

3. Prosecution case is that due to previous enmity the accused persons, on 06.11.2015 at 5.30 p.m., as members of an unlawful assembly armed with weapons attacked the defacto complainant and caused injuries. Petitioner used the sword is the allegation. He is in custody from 07.11.2015 onwards.

4. Heard both sides.

5. Learned Prosecutor opposed the application.

Considering the nature of allegations and the fact that the petitioner is not involved in any other crime, bail is granted to him with following conditions:

i. Petitioner 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.

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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