

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 14TH DAY OF DECEMBER 2015/23RD AGRAHAYANA, 1937

Bail Appl..No. 7708 of 2015 ()

CRIME NO. 1632/2015 OF ERAVIPURAM POLICE STATION, KOLLAM DISTRICT

PETITIONERS/1ST AND 3RD ACCUSED :

- 1. MR.SIRAJ, AGED 20 YEARS
S/O.KABIR, RESIDING AT SIRAJ MAHAL, MUKKAM CHERRY
MAYYANAD VILLAGE, KOLLAM DISTRICT.**
- 2. MR.ANOOP, AGED 25 YEARS
S/O. AMIR, RESIDING AT ANU MANZIL, MUKKAM CHERRY
MAYYANAD VILLAGE, KOLLAM DISTRICT.**

BY ADV. SRI.S.SREEKUMAR (KOLLAM)

RESPONDENT/STATE :

**THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM
THROUGH THE SUB INSPECTOR OF POLICE
ERAVIPURAM POLICE STATION, KOLLAM DISTRICT.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A. No.7708 of 2015

Dated this the 14th day of December, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are the accused Nos. 1 and 3 in Crime No.1632 of 2015 of Eravipuram Police Station registered for offences punishable under Sections 323, 324, 341, 294(b) and 308 r/w Section 34 I.P.C.

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

4. Prosecution case, in short, is that the accused entertained hostility towards the defacto complainant. On 22-09-2015 at about 5.00 p.m., the accused persons armed with sword, iron rod, etc. waylaid the defacto complainant and attacked him with an intention to commit culpable homicide. First accused used a sword. Wound certificate shows that he sustained two incised wounds on head by using a sword.

5. Learned counsel for the petitioners submitted that there

is delay in filing the First Informations Report. Learned Public Prosecutor opposed the bail application. She contended that the weapons used for the aggression were not recovered. Considering the nature of allegations, I am not inclined to grant pre-arrest bail to the first petitioner (first accused). Hence, his bail application will stand dismissed. Bail is granted to the second petitioner (third accused) with following directions :

1. Second petitioner shall surrender before the investigating officer within a period of two weeks from today and submit himself for interrogation. In that event, the petitioner shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency. The Investigating Officer need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties

are solvent or not.

3. Second petitioner shall appear before the Investigating Officer on all Saturdays between 10.00 and 11.00 a.m until final report is filed
4. Petitioner shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-
A.HARIPRASAD,
JUDGE.

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PA to Judge

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