

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

Bail Appl..No. 7728 of 2015

CRIME NO. 1546/2015 OF OCHIRA POLICE STATION , KOLLAM

PETITIONER(S)/3RD ACCUSED :

**SANDEEP S., AGED 25 YEARS,
S/O.SASIDHARAN PILLAI, SASI BHAVANAM, VARAVILA,
CLAPPANA-690 528.**

**BY ADVS.SRI.M.G.SREEJITH
SMT.RAZIA BEEVI P.J.**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY INSPECTOR OF POLICE,
OCHIRA POLICE STATION THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.7728 of 2015

Dated this the 11th day of December, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the third accused in Crime No.1546 of 2015 of Ochira Police Station registered for offences punishable under Sections 143, 147, 148, 447, 341, 324, 427, 308, 109 and 120B r/w Section 149 I.P.C.

3. Prosecution case, in short, is that on 15-09-2015, the petitioner along with other accused persons, as a member of an unlawful assembly, attacked the defacto complainant with stick. Other members were also wielding iron rod, knife etc.

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

5. Learned counsel for the petitioner submitted that petitioner's name was not mentioned in the first information statement. His name was subsequently added. He is not involved in the offence. It is also submitted that there are clear allegations that

one 'Sreekuttan' attacked the defacto complainant and he was figuring in as the third accused. According to the learned counsel for the petitioner, the petitioner is falsely implicated in the case. Learned Public Prosecutor opposed the bail application. The weapons alleged to have been used by the petitioner were recovered. Hence, following directions are made :

1. 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. 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

//True copy//

amk

P.A to Judge