

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. 7811 of 2015

CRIME NO. 2953/2015 OF KOLLAM EAST POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED :

**PRAKASH, AGED 40 YEARS,
S/O. SASIDHARAN, MANAR FLAT, PALLITHOTTAM CHERI,
KOLLAM WEST VILLAGE, KOLLAM, FROM PALAKKAL VEETIL,
PATTATHANAM NAGAR-259, VADAKKEVILA, KOLLAM DISTRICT.**

**BY ADVS.SRI.C.RAJENDRAN
SRI.K.R.RANJITH**

RESPONDENT(S)/COMPLAINANT/STATE :

**1. PRABHU D.P., AGED 37 YEARS,
S/O. PRINCE LAL, KRISHNA, PRASHANTHI NAGAR-58,
VADAKKEVILA, KOLLAM DISTRICT.**

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

**R1 BY ADV. SRI.S.BIJU (KIZHAKKANELA)
R2 BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA**

**THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 11-12-2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A.No.7811 of 2015

Dated this the 11th day of December, 2015

O R D E R

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

2. Petitioner is the accused in Crime No.2953 of 2015 of Kollam East Police Station registered for the offences punishable under Sections 294(b), 324 and 307 of the Indian Penal Code.

3. The incident was on 28.11.2015 at about 22.00 hours. The allegation is that he attacked the defacto complainant after abusing him with a sharp edged weapon and caused injury on the right side of his head.

4. Heard the learned counsel for the petitioner, the learned counsel for the defacto complainant and the learned Public Prosecutor.

5. Learned Public Prosecutor opposed the bail application. It is submitted that the petitioner is involved in 11 other cases of very serious offence including one case under Section 302 IPC.

6. Learned counsel for the petitioner submitted that he is on bail in all the cases.

7. Learned counsel for the defacto complainant submitted that the defacto complainant has no grievance against the petitioner at present.

8. Considering entire the facts and circumstances of the case and nature of allegations, 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 ₹1,00,000/- (Rupees one lakh 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 Mondays and Thursdays between 10.00 a.m and 11.00 a.m. until the final report is filed.

- (d) The petitioner shall not enter the limits of Kollam District until final report is filed except for the purpose of reporting to the Investigating Officer or attending the court.
- (e) The petitioner shall not intimidate or attempt to influence the witnesses.
- (f) The petitioner shall not in any manner interfere or meddle with the investigation.
- (g) 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.

A.HARIPRASAD, JUDGE.