

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Bail Appl..No. 7962 of 2015 ()

CRIME NO. 1313/2015 OF PARASSALA POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/FOURTH ACCUSED :

**VIJAYAKUMAR @ VIJIL
S/O.BHARATHAN, AGED 32 YEARS
RESIDING AT KADUKKARAVILA COLONY
EITHUKONDANKANI, AMARAVILA P.O.,
THIRUVANANTHAPURAM.**

BY ADV. SRI.MANU V.

RESPONDENT/COMPLAINANT STATE AND INVESTIGATING OFFICER :

**1. STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR
AT THE HIGH COURT OF KERALA AT ERNAKULAM-682 031**

**2. THE SUB INSEPCTOR OF POLICE
PARASSALA POLICE STATION
PARASSALA, THIRUVANANTHAPURAM-695 121.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. M. MADHUBEN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K.P.JYOTHINDRANATH, J.

B.A.No.7962 OF 2015

Dated this the 18th day of December, 2015

ORDER

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973. When the application came up for hearing, the learned counsel for the petitioner submitted that the petitioner is the fourth accused in Crime No.1313/2015 of Parassala police station. It is the submission that the allegation is that accused 1 to 3 committed offence under Sections 294(b), 452, 324, 308, 427 and 506(ii) read with Section 34 of IPC. It is the submission that the allegation against the petitioner is that he abetted to commit the said offence. It is also submitted before me that Section 34 will not be available against this petitioner as long as the admitted case of the prosecution is that he was not present at the place of incident. Surely, if there is abetment, the person who abetted will be liable for all the deeds done by others. There is no legal or any other evidence or material against the

petitioner to link him with the crime.

2. I heard the learned Public Prosecutor. The learned Public Prosecutor submitted before me that as arranged by the petitioner herein, the offence committed by the quotation team. But surely, so far the Police had not collected any solid evidence to link this petitioner with the above said offence.

3. I perused the case diary. After considering all the aspects, the following order passed :

1) The petitioner shall appear before the Investigating Officer within ten days of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioner. After interrogation, if the police officer feels that arrest is necessary, he is at liberty to arrest the petitioner. After arrest, if any recovery is necessary, that also can be made. Thereafter, the petitioner shall be released on bail on executing a bond for Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the officer concerned.

2) After release on bail, the petitioner shall appear before the Investigating Officer on all Saturdays in between 10 a.m. and 12 noon

for a period of two months.

3) The petitioner shall not commit similar offences during the bail period.

4) The petitioner shall not influence or intimidate the witnesses.

On the above conditions, this anticipatory bail application is allowed.

**K.P.JYOTHINDRANATH
JUDGE**

SV.