

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 29TH DAY OF DECEMBER 2015/8TH POUSHA, 1937

Bail Appl..No. 8267 of 2015

CRIME NO. 2980/2015 OF THIRUVALLA POLICE STATION, PATHANAMTITTA
.....

APPLICANT/A1:

**HIRAN KUMAR, AGED 20 YEARS,
S/O.JAYACHANDRAN, LAKSHMI NILAYAM HOUSE,
THUKALASSERY MURI, KUTTUPUZHA VILLETTE,
THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.AJEESH K.SASI

RESPONDENT(S)/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.K.K.RAJEEV

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
29-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K.P. JYOTHINDRANATH, J.

B.A. No.8267 of 2015

Dated this the 29th day of December, 2015

O R D E R

This is an application filed under Section 439 of the Code of Criminal Procedure.

2. When the petition came up for hearing, the learned counsel for the petitioner submitted before me that the petitioner is the accused in crime No.2980/2015 of Thiruvalla Police Station where the offences alleged are under Sections 452, 427 and 326 r/w. 34 of IPC. It is the submission that the petitioner is behind the bars from 5.12.2015 onwards. It is also the submission that the allegation is that the petitioner attacked with wooden stick from the shop of the victim. It is the submission of the counsel for the petitioner that as per the lower court order it can be seen that there is only bleeding from the nostrils and only on X-ray it was found that there was fracture on the nasals. It is the submission that, that injury can be caused even by a fall or by bare hand. It is the further submission that the investigation is at an advanced stage and further incarceration is not warranted. It

is the further submission that Section 308 of IPC is introduced by the police only to deny bail to the petitioner.

3. I heard the learned Public Prosecutor, who submitted before me that the place of incident is the shop room of the victim. There is offence under Section 452 of IPC. With an intention to assault the victim, accused trespassed into the shop room and also committed waste of Rs.7,000/-.

4. After considering the totality of the case and all other attending circumstances, I feel that bail can be granted to the petitioner herein on the following conditions:

- 1) The petitioner shall be released on bail on his 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 learned Magistrate having jurisdiction.
- 2) The petitioner shall deposit a sum of Rs.7,000/- (Rupees seven thousand only) before the court below within ten days of release from the jail.

- 3) The petitioner shall appear before the Investigating Officer for interrogation on all Saturdays between 10.00 a.m. and 11.00 a.m. for a period of one month.
- 4) The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.
- 5) The petitioner shall not involve in any other offence during the period of bail.
- 6) The petitioner shall co-operate with the investigation.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this court.

On the above conditions, this bail application allowed.

Sd/-

K.P. JYOTHINDRANATH
JUDGE

//True copy//

P.A. TO JUDGE

shg/