

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYASHTA, 1937

Bail Appl..No. 8413 of 2014 (B)

CRL.MP 3247/2014 of SESSIONS COURT,KOLLAM
CRIME NO. 68/2014 OF KUNDARA POLICE STATION , KOLLAM

PETITIONER/ACCUSED NO. 3:

SHINE, AGED 30 YEARS
S/O. LAWRENCE, POIKAVILA KIZHAKKATHIL, MULAVANA P.O.
KOLLAM.

BY ADV. SRI.M.L.SURESH KUMAR

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA AT ERNAKULAM.

BY PUBLIC PROSECUTOR, SHRI.RAJESH VIJAYAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

B.SUDHEENDRA KUMAR, J.

Bail Application No.8413 of 2014

Dated this the 5th day of June 2015

O R D E R

The petitioner is the third accused in Crime No.68 of 2014 of Kundara police station, registered under Sections 294(b), 323, 326, 447 and 506(ii) read with Section 34 of I.P.C. The petitioner has filed this application praying for the relief under Section 438 Cr.P.C.

2. Heard.

3. The learned Public Prosecutor has no serious objection in allowing this application.

4. The prosecution allegation is that on 5.1.2014 at about 5 p.m., the petitioner and the other accused trespassed into the house of the *defacto complainant*, who is an Ex-service man and attacked

him, as he was not prepared to give the military quota of liquor to the petitioner and the other accused. The petitioner fisted and kicked the *defacto complainant*. The *defacto complainant* sustained fracture on his right hand due to the attack by the first accused with a stick, submitted by the learned Public Prosecutor. The petitioner did not use any weapon to inflict injuries on the *defacto complainant*. It has been submitted by the learned Public Prosecutor that the petitioner is not involved in any other offence of similar nature. In the said circumstances, an order under Section 438 Cr.P.C. in favour of the *petitioner* will be justified in this case.

In the result, this application stands allowed and the respondent is directed to release the petitioner on bail in the event of his arrest in Crime No.68 of 2014 of Kundara Police Station, on condition of the petitioner executing a bond for Rs.30,000/- (Rupees thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Sub Inspector of Police, Kundara Police Station, before whom the petitioner shall surrender

within ten days and subject to the following conditions:

(i) The petitioner shall report before the Investigating Officer on all Mondays between 9 a.m. and 11 a.m., for six months or till the filing of the final report, whichever is earlier.

(ii) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(ii) The petitioner shall not get involved in any offence during the pendency of this case.

sd/

**B.SUDHEENDRA KUMAR,
JUDGE**

dl

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PA TO JUDGE