

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Bail Appl..No. 8562 of 2014

CRIME NO. 651/2014 OF PARAVUR POLICE STATION , KOLLAM DISTRICT

PETITIONER(S)/2ND ACCUSED:

**SYAM KUMAR, AGED 27 YEARS,
S/O.SASANKAN, KALLUVILA VEEDU, MUTHALAKKULAM,
OZHUKUPARA NEDUNGOLAM P.O., VIA S.PARAVUR,
KOLLAM DISTRICT.**

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENT(S)/COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE,
PARAVUR POLICE STATION, KOLLAM DISTRICT-686 003.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

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B.A. No. 8562 of 2014

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Dated this the 2nd day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.651 of 2014 of the Paravur Police Station, Kollam District, registered for the offences punishable under Sections 341, 323, 324, 308 and 506(ii) read with Section 34 IPC.

3. The allegation against the petitioner and the other accused is that on 14.04.2014 at 8.45 a.m. they came by a motor bike and wrongfully obstructed the motor bike, on which the defacto complainant was riding and the petitioner allegedly removed the key of the motor bike of the defacto complainant. The 1st accused inflicted a stab aimed at the chest of the defacto complainant with a knife, as the defacto complainant evaded it, he sustained a serious injury on his left hand muscle. It is alleged that the 3rd accused beat on the back of the defacto complainant with a stick and the petitioner stamped on the abdomen of the defacto complainant.

4. Heard learned counsel for the petitioner and

learned Public Prosecutor. Perused the CD.

5. No criminal antecedents have been reported against the petitioner. At the same time, it has been reported that the 1st accused is a habitual offender involved in very serious offences. There is no allegation that the petitioner is made use of any weapons. Considering the lesser involvement of the petitioner in the incident, I am of the view that anticipatory bail can be granted to the petitioner, especially when no criminal antecedents have been reported against the petitioner.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Mondays and Thursdays commencing from 09.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B. KEMAL PASHA
JUDGE

DSV/2/2/15

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P.A. To Judge

