

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.Q.BARKATH ALI

FRIDAY, THE 30TH APRIL 2010 / 10TH VAISAKHA 1932

Bail Appl.No. 2716 of 2010()

(CRIME NO.760 OF 2010 OF HILL PALACE POLICE STATION, ERNAKULAM

PETITIONER/A2

NAVIN SANKAR, AGED 25,
S/O.B.S.NANDANAN, BLAYIL HOUSE,
EROOR NORTH.P.O, TRIPUNITHURA.

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT(S): COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
S.I OF POLICE (CRIME 760/10)
HILL PALACE POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI.C.M. KAMAPPU

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD
ON 30/04/2010, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

P.Q. BARKATH ALI, J.

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B.A. No. 2716 of 2010

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Dated this the 30th day of April, 2010

ORDER

This is a bail application filed by the second accused in Crime No. 760 of 2010 of the Hill Palace Police Station under section 439 of the Cr.P.C.

2. The allegation against the petitioner is that he along with five other accused persons, in furtherance of their common intention, attacked the de facto complainant and two others with knife and stick, causing injuries to them and thereby committed offences punishable under sections 143, 144, 147, 148, 323, 324, 307 read with section 149 of the Indian Penal Code.

3. The petitioner was arrested on April 20, 2010. The learned Magistrate as well as the learned Sessions Judge rejected his bail applications.

4. It is alleged in the petition that the petitioner is innocent of the offence alleged against him, that no overt

act is attributed to him, that he is a bank employee and that the inspection is scheduled on May 3, 2010 and herefore, he maybe released on bail.

5. Notice given to the learned Public Prosecutor. Heard learned counsel for the petitioner and the learned Public Prosecutor.

6. For the following reasons, I am inclined to grant bail to the petitioner:- Petitioner is a bank employee. The learned counsel for the petitioner submits that the inspection is scheduled on May 3, 2010. Further injuries sustained by the de facto complainant and others are not serious and they were discharged from the hospital. The learned Public Prosecutor further submits that the investigation is almost over. That apart, no overt act is attributed to the petitioner. Therefore, I feel that the petitioner can be released on bail, but on conditions.

7. In the result, the petition is allowed. The petitioner shall be released on bail on his executing a bond for Rs.25,000/- with two solvent sureties for like sum each to

the satisfaction of the Chief Judicial Magistrate's Court,
Ernakulam on the following conditions:-

- 1) The petitioner shall appear before the Investigating Officer as and when required.
- 2) The petitioner shall not commit similar offence while on bail.
- 3) The petitioner shall not intimidate the witness or tamper with the evidence.
- 4) Petitioner shall not leave the jurisdiction of the lower court without prior permission.
- 5) In case of breach of any of the conditions mentioned above, lower court can cancel his bail.

P.Q. BARKATH ALI, JUDGE.

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