

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.M.BABU**

**WEDNESDAY, THE 30TH DAY OF NOVEMBER 2016/9TH AGRAHAYANA, 1938**

**Bail Appl..No. 6656 of 2016**  
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**CRIME NO. 985/2016 OF AMBALAPPUZHA POLICE STATION,  
ALAPPUZHA DISTRICT**  
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**PETITIONER(S)/1ST ACCUSED :**  
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**SHARUN,  
AGED 20 YEARS, S/O.SHAJI,  
PUTHUVEL KOMANA HOUSE, AMBALAPUZHA. P.O.,  
ALAPPUZHA.**

**BY ADV. SRI.P.VINODKUMAR**

**RESPONDENT(S)/COMPLAINANT :**  
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**STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SRI. RAMESH CHAND**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 30-11-2016, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

Msd.

**A.M.BABU, J.**

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**B.A.No.6656 of 2016**

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**Dated this, the 30<sup>th</sup> day of November, 2016.**

**ORDER**

Petitioner is the first accused in Crime No.985/2016 of Ambalapuzha police station. He seeks bail under Section 438 of the Cr.P.C. The offences alleged against him are those punishable under Sections 294(b), 323 and 308 of the IPC read with IPC 34.

2. The prosecution case is that at 3.00 p.m. on 18.06.2016 the accused persons in furtherance of their common intention attacked the de facto complainant and inflicted a cut injury on him with a chopper. It is also alleged that obscene words were uttered by the accused persons at the de facto complainant.

3. Heard the learned counsel for the petitioner and also the learned Public Prosecutor.

4. I am shown by the learned Public Prosecutor the papers relating to the investigation. The wound certificate does not suggest the sustainment of cut wound. It suggests only one lacerated wound over the scalp. No serious injury is shown to have sustained by the de facto complainant. Having gone through the papers, I am of the opinion that detention of the petitioner is not necessary for effective investigation. It is also seen from the case diary that the second accused was released on bail as per the order of the Court of Session.

For reasons given above, I allow the application. In the event of arrest of the petitioner in connection with Crime No.985/2016, he shall be released on bail after interrogation, if necessary, on his executing a bond for Rs.15,000/- with two solvent sureties for the like sum each. The petitioner shall co-operate with the investigation and shall make himself available for interrogation

as and when required by the investigating officer for a period of 3 months or till the filing of a report under Section 173(2) of the Cr.P.C. whichever is earlier. The petitioner shall not intimidate or try to influence witnesses; nor shall he destroy or tamper with evidence. The Magistrate having jurisdiction to try the case or commit it to the Court of Session is hereby empowered to cancel the bail in the event of violation of any of the conditions insisted on above.

Sd/-

**A.M.BABU,  
JUDGE**

Bb/30/11/2016

*[True copy]*

*P.A to Judge*