

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 12TH DAY OF DECEMBER 2019 / 21ST AGRAHAYANA, 1941

Bail Appl..No.9053 OF 2019

CRIME NO.445/2019 OF Shornur Police Station, Palakkad

PETITIONER/ACCUSED NO.7:

VISHNU PRASAD,  
AGED 20 YEARS,  
S/O. MURALIDHARAN, KALARIKKAL HOSUE, APPAMKANDAM,  
CHETUKODE, VALLAPPUZHA, PATTAMBI, PALAKKAD DISTRICT.

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT:

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

SRI. REMESH CHAND, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
12.12.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

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

2. The applicant herein is the 7<sup>th</sup> accused in Crime No.445 of 2019 of the Shornur Police Station registered under Sections 143, 144, 147, 148, 324, 326, 307 and 447 r/w. Section 149 of the IPC.

3. According to the prosecution, on 22.11.2019 at about 10.00 pm, accused Nos.1 to 7, who have been named in the FIR, along with 3 others, who could be identified at sight, attacked him and his friend Abdul Rahman with swords and weapons and caused serious injuries.

4. Sri.Nireesh Mathew, the learned counsel appearing for the applicant submitted that no where in the initial statement has any specific overt act alleged against the applicant herein. The learned counsel would contend that the injuries were inflicted by the rest of the accused and the applicant herein was roped in with the aid of Section 149 of the IPC.

5. Sri.Ramesh Chand, the learned Public Prosecutor has opposed the prayer. Referring to the wound certificate, it is submitted

that serious injuries were sustained by the informant and his friend.

6. I have considered the submissions advanced and have perused the records. I find from the records that insofar as the applicant herein is concerned, the investigation has progressed to the final stages. As rightly submitted by the learned counsel, the first informant has no case that the applicant herein was armed with a weapon or that he had inflicted any serious injuries. Having considered the facts and circumstances, the role assigned to the applicant, the stage of investigation and attendant facts, I am of the view that the applicant can now be released on bail on conditions.

In the result, this application will stand allowed. The applicant shall be released on bail on his executing a bond for Rs.1,00,000/-(Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction. However, it shall be subject to the following conditions:

- (a) The applicant shall appear before the Investigating Officer on all Mondays between 10 a.m. and 1 p.m., for a period of three months or till the final report is laid, whichever is earlier.
- (b) He shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence.

(c) He shall not commit any offence while he is on bail.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law.

sd/-

**RAJA VIJAYARAGHAVAN V**

**JUDGE**

DSV/12.12.19