

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.SUDHEENDRA KUMAR

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Bail Appl..No.63 of 2015

**CRIME NO NOT KNOWN TO THE PETITIONERS- ADOOR POLICE STATION,
PATHANAMTHITTA.**

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PETITIONER'S:

1. **M.K.SIVADASA PANICKER,AGED 80 YEARS,
CHANDRIKA BHAVANAM,CENTRAL ADOOR,
ADOOR.P.O.,PATHANAMTHITTA DISTRICT.**
2. **MANOJKUMAR,S/O.SADASIVA PANICKER,
AGED 40 YEARS,CHANDRIKA BHAVANAM,
CENTRAL ADOOR,ADOOR.P.O.,PATHANAMTHITTA DISTRICT.**

BY ADV.SRI.V.B.NARAYANAN

RESPONDENT'S:

1. **STATE OF KERALA,REPRESENTED BY SECRETARY,
MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF KERALA,TRIVANDRUM.**
2. **SUB INSPECTOR OF POLICE,ADOOR POLICE STATION,
ADOOR,PATHANAMTHITTA DISTRICT.**
3. **FIRST GRADE HEALTH INSPECTOR,
ADOOR MUNICIPALITY,ADOOR,
PATHANAMTHITTA DISTRICT.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.SUDHEENDRA KUMAR, J.

Bail Application No.63 of 2015

Dated this the 25th day of June 2015

O R D E R

The second petitioner is the sole accused in Crime No.34 of 2015 of Adoor Police Station registered under Sections 294(b), 323 and 332 of I.P.C.

2. The prosecution allegation is that on 29.12.2014 at 10.35 a.m., the 2nd petitioner assaulted the *defacto complainant* and thereby, deterred the *defacto complainant* from discharging his official duty for 15 minutes. The *defacto complainant* was the Health Inspector of Adoor Municipality during the relevant period. The petitioners

have filed this application praying for the relief under Section 438 Cr.P.C.

3. Heard. Perused the case diary.

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

5. It has been submitted by the learned Public Prosecutor that the 2nd petitioner is not involved in any other offence of similar nature. The investigation is practically over. Considering the facts and circumstances of the case, including the nature of allegations raised against the 2nd petitioner, I am of the view that an order under Section 438 Cr.P.C. in favour of the 2nd petitioner will be justified in this case. However, since the first petitioner is not an accused in the crime, his application is

liable to be dismissed.

In the result, this bail application stands dismissed as regards the first petitioner and allowed as regards the second petitioner and the second respondent is directed to release the second petitioner on bail in the event of his arrest in connection with Crime No.34 of 2015 of Adoor Police Station on condition of the second 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, Adoor Police Station, before whom the second petitioner shall surrender within ten days from today and subject to the following conditions:

- (i) The 2nd petitioner shall report before the

Investigating Officer on every Monday between 9 a.m. and 11 a.m. for three months and thereafter, as and when required by the Investigating Officer for interrogation.

(ii) The 2nd petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(iii) The 2nd petitioner shall not get involved in any offence while on bail.

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**B.SUDHEENDRA KUMAR,
JUDGE**

dl

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/ PA TO JUDGE /