

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Bail Appl..No. 67 of 2015 ()

CRIME NO. 3509/2014 OF KAYAMKULAM POLICE STATION, ALAPPUZHA DIST.

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PETITIONER/ACCUSED:

**OMANAKUTTAN @ R.RATHEESH, AGED 31 YEARS,
S/O.RAGHUNATHAN, VADAKKE VELUTHERIL,
PUTHUPPALLY VILLAGE, PUTHUPPALLY P.O,
KAYAMKULAM, ALAPPUZHA- 690 527.**

**BY ADVS.SRI.P.B.SAHASRANAMAN,
SRI.T.S.HARIKUMAR,
SRI.K.JAGADEESH.**

RESPONDENTS/STATE:

- 1. THE STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
KAYAMKULAM POLICE STATION,
ALAPPUZHA DISTRICT- 690 502.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

B.A.No. 67 OF 2015

Dated this the 16th day of January, 2015

O R D E R

The Petition under Section 438 Cr.P.C.

2. Petitioner is the third accused in Crime No.3509/2014 of Kayamkulam Police Station registered for the offences punishable under Sections 324,506(ii) and Section 34 IPC and section 20 read with Section 27 of the Arms Act.

3. The allegation against the petitioner is that on 28/12/2014 at 7.30 p.m., the first accused beat the de facto complainant with iron road, second accused beat him on his right shoulder and chest and the third and forth accused beat one Vishnu, who is a friend of the de facto complainant. It is also alleged that the first accused intimidated the de facto complainant and his friend by exhibiting a sword stick.

4. Heard learned counsel for the petitioner and

learned Public Prosecutor. The only allegation against the petitioner is that he slapped the friend of the de facto complainant. The offence under the Arms Act is specifically alleged against the first accused. There is no allegation that the petitioner had made use of any weapon. Considering the facts and circumstances and the lesser role allegedly played by the petitioner, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner, especially when no criminal antecedents have been reported against him.

5. 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 ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum 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 9 a.m. and 11 a.m. on all Fridays and Tuesdays, commencing from 23-1-2015 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.**

dpk

/true copy/

PS to Judge.

