

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

Bail Appl..No. 233 of 2015

CRIME NO. 397/2014 OF UPPUTHARA POLICE STATION, IDUKKI DISTRICT.
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PETITIONER/2ND ACCUSED:

**VIJAYAN, AGED 53 YEARS,
S/O.NANAPPAN, MATTUKKATTAKARA,
AYYAPPANCOVIL VILLAGE,
IDUKKI DISTRICT.**

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

B.A.No.233 of 2015

Dated this the 23rd day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.397/2014 of Upputhara Police Station, Idukki district registered for the offences punishable under Sections 326 and 341 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that on 12.12.2014 at 6.15 p.m., they wrongfully restrained the de-facto complainant, and the first accused beat repeatedly on the head of the de-facto complainant with an iron rod, thereby causing fracture of his skull and other head injuries.

4. Heard learned counsel for the petitioner and learned

Public Prosecutor.

5. The only allegation against the petitioner is that he had wrongfully restrained the de-facto complainant. There is no allegation that he had made use of any weapon to attack the de-facto complainant. All the main overt acts are alleged against the first accused. Moreover, the petitioner herein had suffered grievous hurts in Crime No.396/2014 of the said police station registered under Sections 326, 323 and 294(b) read with Section 34 of the Indian Penal Code, where the de-facto complainant is the first accused. Considering all the above, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

6. 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 30.1.2015 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

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PA to Judge