

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

Bail Appl..No. 266 of 2015 ()

**CRIME NO. 1342/2014 OF MANGALAPURAM POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER/ACCUSED:

**NITHIN VIJAYAN, AGED 23 YEARS,
S/O.VIJAYAKUMAR.G., THOPPIL MUKKU,
MAYYANADU P.O., KOLLAM.**

**BY ADVS.SRI.BLAZE K.JOSE
SRI.RAHUL SASI
SRI.SAJIN JOSEPH
SRI.M.YASIR**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No. 266 of 2015

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Dated this the 9th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1342 of 2014 of the Mangalapuram Police Station, registered for the offences punishable under Sections 294(b), 427, 447 and 353 of the Indian Penal Code.

3. The allegation against the petitioner is that on 19.11.2014 at 6.00 p.m., he drove his car in to the KSRTC Depot, Kaniyapuram by trespassing into it, and abused the driver of a KSRTC bus and obstructed the service of the KSRTC bus, thereby deterring the driver from the discharge of his official duty and caused a wrongful loss of ₹6,500/- to the KSRTC.

4. Heard learned counsel for the petitioner and learned Public Prosecutor.

5. It has come out that the said KSRTC bus had hit on the car that was being driven by the defacto complainant, thereby causing a wrongful loss of ₹30,000/- to the defacto complainant. In retaliation, there was a wordy altercation between the parties. Even then, it seems that the petitioner had paid the amount of ₹6,500/- claimed by the KSRTC. The Inspector of the KSRTC, Attingal has filed Annexure-4 report before the investigating officer to drop the proceedings in the crime, by stating that the amount of ₹6,500/- has been deposited. Over an above it, the concerned driver of the KSRTC has filed Annexure-3 report before the investigating officer stating that the matter has been amicably settled and he has no complaints against the petitioner. Considering all the above, I am satisfied that, this is not a case, wherein the custodial interrogation of the petitioner is required for the continued investigation of this case. Matters being so, this is a fit case wherein anticipatory bail can be granted to the petitioner.

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 for the like sum each 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 09.00 a.m. and 11.00 a.m. on 16.02.2015.

(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

DSV/9/2/15

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P.A. To Judge