

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Bail Appl..No. 315 of 2015

CRIME NO. 1632/2014 OF POOYAPPALLY POLICE STATION , KOLLAM DISTRICT

PETITIONER(S)/ACCUSED A1 & 2:

- 1. SURENDRAN, AGED 27 YEARS,
S/O.GOPALAN, SUJEENDRA BHAVANAM, CHENKULAM (P.O.),
OOYUR, KOLLAM DISTRICT.**
- 2. SUBHASH, AGED 29 YEARS,
S/O.GOPALAN, SUJEENDRA BHAVANAM, CHENKULAM (P.O.),
OOYUR, KOLLAM DISTRICT.**

BY ADV. SRI.K.VANIL KUMAR

RESPONDENT(S)/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 29-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

B.A.No.315 of 2015

Dated this the 29th day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 in Crime No.1632/2014 of Pooyappally Police Station, Kollam district registered for the offences punishable under Sections 323, 324 and 308 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that on 6.12.2014 at 8.30 p.m., the first petitioner slapped the de-facto complainant on his left cheek and abdomen, and the second petitioner beat the de-facto complainant with a stick.

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

5. No criminal antecedents have been reported against the

petitioners. On a perusal of the C.D., I do not think that there are sufficient material to invite the offence under section 308 of the Indian Penal Code in the matter. The second petitioner is the injured in Crime No.1631/2014 of the same police station. Considering the facts and circumstances of this case and the fact that the present case is counter to Crime No.1631/2014 of the same police station, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

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 petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for Rs.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 petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 5.2.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The petitioners 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

dl

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PA to Judge