

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

Bail Appl..No. 508 of 2015 ()

CRIME NO. 51/2015 OF ADIMALI POLICE STATION , IDUKKI DISTRICT

PETITIONER(S)/ACCUSED:

1. ROY JOSEPH, AGED 40 YEARS,
S/O.JOSEPH, RESIDING AT KARIYILAKUALM HOUSE,
PULIYANMALA.P.O, KATTAPPANA, IDUKKI.
2. ROMI JOSEPH, AGED 36 YEARS,
S/O JOSEPH, RESIDING AT KARIYILAKUALM HOUSE,
PULIYANMALA.P.O, KATTAPPANA, IDUKKI.
3. MOHAN KUMAR.P.U, S/O.UNNI, AGED 38 YEARS,
PUTHEN PURA HOUSE, CHENKULAM.P.O.,
MUTHUVANKUDI, IDUKKI.
4. ELDOSE.P.U, AGED 42 YEARS,
S/O.VARGHESE, PADINJARE KUDI HOUSE,
RAJAKUMARI SOUTH.P.O, IDUKKI.
5. SHAJI, S/O.M.K.THANKAPPAN,AGED 52 YEARS,
MALAMUNDAYIL HOUSE, MANNAMKANDAM.P.O,
200 ACRES, IDUKKI.

BY ADV. SRI.T.RAJASEKHARAN NAIR

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

B.KEMAL PASHA, J.

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B.A. No. 508 of 2015

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Dated this the 4th day of February, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 4 in Crime No.51/2015 of the Adimali Police Station registered for the offences punishable under Sections 294(B), 308 and 427 read with Section 34 IPC.

3. The allegation against the petitioners is that on 13.1.2015 at 3.15 p.m., the first accused kicked the de facto complainant below his abdomen and second accused beat him with an iron rod. As he evaded, the iron rod hit on the rear glass of the Bolero Jeep whereby the glass became broken, which has resulted in a wrongful loss of ₹40,000/-

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

5. The only non-bailable offence involved in this case is the one under Section 308 IPC. On going through the allegations levelled against the petitioners, there is absolutely nothing to invite an offence under Section 308 IPC in the matter. It has also been pointed out by the learned counsel for the petitioners that a counter case has been registered as Crime No.52/2015 of the said Police Station almost for the very same offence and in that case, the car of the petitioners was damaged whereby a loss of ₹2 lakhs was caused.

6. Considering the facts and circumstances of this case, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case especially when no criminal antecedents have been reported against them. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

7. 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 ₹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 Wednesdays and Saturdays, commencing from 11.02.2015 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

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P.A to Judge