

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Bail Appl..No. 540 of 2015

CRIME NO. 2438/2014 OF ADOOR POLICE STATION , PATHANAMTHITTA DISTRICT

PETITIONER(S)/ACCUSED :

**GEORGE KUTTY, AGED 43 YEARS,
S/O.YOHANNAN, KIZHAKKEKKARA PUTHEN VEEDU,
EDAKKADAVU, THENGAMAM MURI, PALLICKAL VILLAGE,
ADOOR.**

BY ADV. SRI.R.V.SREEJITH

RESPONDENT(S)/ COUNTER PETITIONER :

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

=====

B.A. No. 540 of 2015

=====

Dated this the 30th day of January, 2015

O R D E R

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.2438/2014 of Adoor Police Station registered for the offences punishable under Sections 294(b), 323 and 326(B) IPC.

3. The allegation against the petitioner is that on 17.12.2014, he abused the de facto complainant, young man aged 24 years and pushed him down at the courtyard of the house of one Chandran situated in his rubber estate and stamped on both his shoulders. It is alleged that he poured acid on the left hand muscle, left shoulder, waist and left knee of the de facto complainant, thereby causing severe burn injuries on his left eyebrow and other portions of the body. It seems that he has sustained severe burn injuries on most of the portions of his body. The petitioner has been in custody for the period from 19.12.2014 onwards.

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

5. The learned Public Prosecutor pointed out that the investigation is over and final report has already been filed. No criminal antecedents have been reported against the petitioner. At the same time, the inhuman act from the part of the petitioner has to be taken note of. It is true that the allegations against the petitioner are very grave and serious. Having regard to the period undergone by the petitioner in custody, the present stage of investigation and the absence of criminal antecedents on the part of the petitioner, I am satisfied that the petitioner can be enlarged on bail on conditions including a provision for compensating the de facto complainant for the disfiguration caused as well as the medical expenses incurred by him.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹ 50,000/- (Rupees Fifty thousand only) before the court below with two solvent sureties for the like sum each to the satisfaction of the

concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall deposit an amount of ₹50,000/- (Rupees Fifty thousand only) within two weeks from today and a further amount of ₹50,000/- (Rupees Fifty thousand only) more within four weeks from today, before the court below.

(ii) The petitioner shall report before the Investigating Officer in between 9 am and 11 am on all Fridays and Tuesdays, commencing from 06/02/2015 for a period of six months or till the filing of the final report in this case, whichever is earlier.

(iii) The petitioner shall not tamper with the evidence or influence witnesses.

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(v) 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

stu

// true copy //

P.A. to Judge.