

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

Bail Appl..No. 599 of 2015 ()

CRIME NO. 38/2015 OF ELATHUR POLICE STATION, KOZHIKODE DISTRICT

PETITIONER/ACCUSED :

**SHIDU,AGED 34 YEARS,SON OF PRAKASAN,
MANDARAPOYIL HOUSE, PANAYIL,
PARAMBATH P.O., KOZHIKODE-673 317**

BY ADV. SRI.JACOB ABRAHAM

RESPONDENT :

**SUB INSPECTOR OF POLICE,
ELATHUR POLICE STATION,
KOZHIKODE.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

.....
B.A. No.599 of 2015

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Dated this the 19th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.38/2015 of the Elathur Police Station, Kozhikode registered for the offences punishable under Sections 341, 294(b) and 332 of the Indian Penal Code.

3. The allegation against the petitioner is that on 20.01.2015 at 4.30 p.m., while the defacto complainant who is the Junior Health Inspector of the Thalakolathur Health Centre was on duty in connection with the Polio Vaccination Immunisation Programme, he went in search of the children of the employees hailing from other States, and while he was enquiring about them to an owner of a poultry shop, the petitioner intervened, abused him and fisted him, thereby deterring him from discharging his official duties.

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

5. According to the learned counsel for the petitioner, apart from the wordy altercation, nothing had happened and the petitioner has not attacked the defacto complainant. The wound certificate of the defacto complainant does not show any external injuries. No criminal antecedents have been reported against the petitioner. Considering all the above, this Court is of the view that the custodial interrogation of the petitioner is not required for the continued investigation of this case. Matters being so, this Court is 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 Thursdays and Mondays commencing from 26.02.2015 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

ul/-

B.A.No. 599 of 2015

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[True copy]

P.S. to Judge