

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

Bail Appl..No. 652 of 2015 ()

AGAINST THE ORDER IN CRL.M.C. 113/2015 of THE SESSIONS
COURT,TRIVANDRUM DATED 22-01-2015

AGAINST THE ORDER/JUDGMENT IN CMP 218/2015 of JUDICIAL FIRST
CLASS MAGISTRATE'S COURT-III,NEYATTINKARA

CRIME NO. 17/2015 OF MARAYAMUTTAM POLICE STATION,
THIRUVANANDAPURAM

PETITIONER/ACCUSED:

VIJAYAN, AGED 42 YEARS,
S/O RAMAKRISHNAN, RESIDING AT V.S.BHAVAN, ALATHOOR,
ANAVOOR P.O., NEYATTINKARA.

BY ADV. SRI.G.SUDHEER

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.

BY PUBLIC PROSECUTOR SRI. V.S.SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
20-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DSV/20/2/15

B.KEMAL PASHA, J.

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B.A. No.652 of 2015

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Dated this the 20th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.17 of 2015 of the Marayamuttom Police Station, registered for the offences punishable under Sections 341, 294(b) and 326 of the Indian Penal Code.

3. The allegation against the petitioner is that on 11.12.2014 at 8 a.m., he beat the defacto complainant with an iron rod, thereby causing a fracture of his 5th metacarpal right.

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

5. The learned counsel for the petitioner has pointed out that on the date of incident, the defacto complainant had committed trespass into the house of the petitioner, and beat him and his wife for which he had preferred a complaint before the Dy.S.P. It is also argued that the defacto complainant had attacked him by attempting to hit with a motorbike, for which a crime has been registered as Crime

No.28 of 2015 for the offences including the offence under Section 308 of the Indian Penal Code. Considering the facts and circumstances of the case and the fact that no criminal antecedents have been reported against the petitioner, I am of the view that 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 Rs.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 all Fridays and Tuesdays commencing from 27.02.2015 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

DSV/20/2/15

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P.A. To Judge

